

EPA & Hydraulic Fracturing - Nov. 21 to 26

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11/21/2012	EPA?fracking study offers end to noise, foes' propaganda	Salem News
11/21/2012	U.S. awaits natural gas drilling decision	Columbia Daily Tribune - Online
11/21/2012	Loophole Lets Toxic Oil Water Flow Over Indian Land	Diane Rehm Show - WAMU-FM
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11/21/2012	A sampling of editorials from around New York	Staten Island Advance - Online
11/21/2012	A sampling of editorials from around New York	WTOV-TV - Online
11/21/2012	A sampling of editorials from around New York	Post-Standard - Online
11/21/2012	Science should govern fracking	Westfield Republican - Online
11/21/2012	Status quo may be left in place for handling coal ash	Crain's Cleveland Business - Online
11/21/2012	Gas drilling presents Obama with historic choices	Star-Gazette - Online

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11/21/2012	Gas drilling presents Obama with historic choices	Erie Times-News - Online
11/21/2012	Ohio renews injection-well permitting	Press & Sun-Bulletin - Online
11/21/2012	Gas drilling presents Obama with historic choices	Imperial Valley Press - Online
11/21/2012	Gas Drilling Presents Obama with Historic Choices	Construction Equipment Guide-Midwest Edition - Online
11/21/2012	PENNSYLVANIA: Enviro's vexed by what's missing in water contamination reports (EnergyWire, 11/20/2012)	Land Letter
11/21/2012	A sampling of editorials from around New York	Associated Press (AP)

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Methane
National Geographic - Online

11/23/2012

Burn natural gas and it warms your house. But let it leak, from fracked wells or the melting Arctic, and it warms the whole planet.

The last rays of sun filter through the snow-covered spruces along the shore of Goldstream Lake, just outside Fairbanks, Alaska. Out on the lake Katey Walter Anthony stares at the black ice beneath her feet and at the white bubbles trapped inside it. Large and small, in layer upon layer, they spread out in every direction, like stars in the night sky. Walter Anthony, an ecologist at the University of Alaska Fairbanks, grabs a heavy ice pick and wraps the rope handle around her wrist. A graduate student holds a lighted match above a large bubble; Walter Anthony plunges the pick into it.

Gas rushing from the hole ignites with a whoomp that staggers her. "My job's the worst, because usually you catch on fire," she says, smiling. In the gathering twilight she and her team ignite one bubble after another.

The flames confirm that the bubbles are methane, the main component of natural gas. By counting and measuring them, Walter Anthony is trying to gauge how much methane is rising from Goldstream Lake—and from the millions of similar lakes that now occupy nearly a third of the Arctic region. The Arctic has warmed much faster than the rest of the planet in recent decades, and as the permafrost has melted, old lakes have grown and new ones have formed. Methane bubbles from their muddy depths in a way that is hard to quantify—until the first clear ice of fall captures a snapshot of the emissions from an entire lake.

Sometimes as Walter Anthony walks that ice, in Alaska, Greenland, or Siberia, a stamp of her boot is enough to release an audible sigh. Some lakes, she says, have "hot spots" where the methane bubbling is so strong that ice never forms, leaving open holes big enough to spot from an airplane. "It could be 10 or 30 liters of methane per day from one little hole, and it does that all year," she says. "And then you realize there are hundreds of spots like that and millions of lakes." By venting methane into the atmosphere, the lakes are amplifying the global warming that created them: Methane is a potent greenhouse gas. Carbon dioxide is the main one, because the atmosphere holds 200 times as much of it. But a given amount of methane traps at least 25 times as much heat—unless you burn it first. Then it enters the atmosphere as CO₂.

That's the other side of this Jekyll-and-Hyde story: A lot of methane is being burned these days. In the past decade the technology called hydraulic fracturing, "fracking" for short, has enabled drillers in the United States to extract natural gas from deeply buried shales they couldn't tap before. Natural gas supplies have surged; prices have plummeted. Fracking is now spreading around the world, and it's controversial. The gas boom has degraded landscapes and polluted water. But it has also had environmental benefits. Natural gas burns much cleaner than coal. In part because American power plants have been switching from coal to cheap gas, U.S. emissions of CO₂ from fossil fuels fell last year, even as the world set another record.

The catch is, methane emissions are rising. What's coming out of Arctic lakes is troubling, Walter Anthony says, because some of it seems to be coming not from bottom mud but from deeper geologic reservoirs that had hitherto been securely capped by permafrost—and that contain hundreds of times more methane than is in the atmosphere now. Still, most methane emissions today come from lower latitudes, and most are related more directly to human activities. A growing amount seems to be leaking, for instance, from gas wells and pipelines. Just how warm Earth gets this century will hinge in part on how we balance the good and bad of methane—on how much of it we capture and burn, and how much we inadvertently let loose.

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Methane is the simplest hydrocarbon—a single carbon atom surrounded by four hydrogen atoms. It usually forms when larger organic molecules are broken down, either by microbes or by heat. The microbes produce it when they eat dead plant matter in wet, oxygen-poor environments. They're the source of the methane bubbling up from Goldstream Lake; from swamps and marshes all over; from human-made rice fields, landfills, and manure lagoons; and from the stomachs of cows and other ruminants. Termites emit a lot of methane too.

Most of the natural gas we tap for fuel, however, was formed not by microbes but by heat and pressure deep underground—as oil and coal were, and often in the same places. In coal mines methane is an explosion hazard; in oil fields it was long considered a nuisance to be burned off or, worse, vented directly into the atmosphere. Liquid oil was more valuable as fuel and much easier to transport to markets. Then pipelines built during the post-World War II construction boom made gas more transportable. The energy industry began to exploit massive natural gas reservoirs in places like Russia, Qatar, and Iran.

The United States produces the bulk of its own gas, but U.S. production peaked in 1973. By 2005 the country seemed to be running short, and the industry was building expensive new tanker terminals to import liquefied natural gas. The fracking boom changed that. Since 2005 gas production from deep shales has increased more than tenfold; it now accounts for more than a third of total production, which last year surpassed the 1973 record. Within a decade, according to a Department of Energy (DOE) forecast, the U.S. will become a net exporter of gas.

Estimates of how much gas is locked up in shales and how long the boom can last have varied widely. In 2011 DOE put the amount of “unproved resources” of shale gas at 827 trillion cubic feet; in 2012 it cut that estimate by more than 40 percent. Production from fracked wells has declined faster than DOE analysts had expected. So some critics believe the boom is a bubble that will soon burst. But DOE still projects that U.S. gas production will rise rapidly and that shale gas will make up half the total by 2035.

And deep shales are not the last methane source. DOE and the industry are trying to figure out how to tap the largest one of all—the methane hydrates that lie frozen under vast areas of seafloor and Arctic permafrost. Worldwide, hydrates may contain more energy than all other fossil fuels combined. They're usually snow-white and look like ice, but they're strange stuff, and extracting the methane is tricky. Each molecule is trapped in a cage of water molecules that's stable only at high pressure and low temperatures; change either just a bit, and the cage crumbles. The escaping methane balloons in volume by a factor of 164.

Oil companies working on continental margins have to take care that extracting oil through an overlying hydrate layer does not disrupt it and perhaps damage the well. Climate scientists worry that global warming could destabilize hydrate layers, on land or at sea, triggering a massive methane release that would amplify the warming. A few scientists take seriously a catastrophic scenario in which the release happens rapidly, within a human lifetime, and the planet's temperature spikes.

The atmospheric methane concentration has risen nearly 160 percent since preindustrial times, to 1.8 parts per million. For a few years, from 1999 to about 2006, it seemed to level off. Some researchers credit Asian rice farmers, who began draining their paddies during the growing season to conserve water—which reduced methane emissions as well. Another theory credits the oil industry, which started capturing and selling methane it used to simply vent. Since 2006, though, atmospheric methane has been rising again. Many observers believe it's no coincidence that the number of wells punched into deep shales has been soaring too.

The largest U.S. shale formation, the Marcellus, lies about a mile under the Appalachian Mountains, in an arc that runs from West Virginia to New York through Ohio and Pennsylvania. The Pennsylvania stretch is pretty country: rolling hills and pastures and, in the northwest, the forests of the Pennsylvania Wilds, which boast some 2,000 trout streams and one of the darkest night skies in the East.

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These days tank trucks, sand haulers, flatbeds stacked with pipe, and cement mixers rumble continually over the winding two-lane roads. Here and there in patches cut from forest or farm are flattened, four-acre mounds of fresh dirt. For a few weeks at a time tall derricks rise from these drill pads, and the trucks and trailers congregate around them. Contaminated water from the new wells pours into tank trucks or into lagoons lined with dark plastic. The derricks soon disappear, but the wells stay, connected by clusters of green pipes and valves to permanent new pipelines, condensate tanks, and compressor stations. Much of Pennsylvania has been transformed since 2008.

The boom's roots go back to the 1980s and to Texas, where a wildcatter named George Mitchell, facing dwindling reserves, began probing the Barnett Shale near Dallas. Black shales, the compressed mud of ancient seas, were known as petroleum source rocks. But over geologic time much of the oil and gas had migrated out of the shales into porous sandstone traps—and that's where the industry sank its wells. Wells ending in shale never yielded much; the shales were too dense and impermeable to allow gas to flow.

Mitchell Energy's workaround, developed over 20 years with support from DOE, became the recipe for the fracking boom. It has two parts. First, drill down to the shale, then continue drilling horizontally for a mile or so inside it; that puts more gas close to the well. Second, inject millions of gallons of water, chemical lubricants, and sand at high pressure to shatter the shale, allowing methane to rush into the well.

The gas from fracked wells has benefited consumers; 55 percent of the homes in the U.S. have gas heat, and prices last winter reached a ten-year low. In Pennsylvania the boom has revived businesses; created some 18,000 jobs, by the state's reckoning; and paid millions of dollars in lease-signing bonuses and royalties. However, some landowners who leased their land to gas companies have since had second thoughts.

Sherry Vargson is one. In 2008 Chesapeake Energy began drilling on her family's 197-acre dairy farm in Granville Summit, in northeastern Pennsylvania. In June 2010, after a crew had been working on the well, Vargson turned on her kitchen tap to find it backed up with what she thought was air. "It was like drawing a glass of Alka-Seltzer, very sizzly and bubbly," she recalls. Testing showed the water contained more than twice the methane that's considered an explosion threat. Chesapeake has been supplying her with bottled water ever since, while arguing that the contamination is natural. Meanwhile Vargson's monthly royalty checks have shrunk from more than \$1,000 to less than \$100, as production from the gas well has plummeted.

The industry's main argument in attempting to reassure a worried public in Pennsylvania and elsewhere has been that shales typically lie thousands of feet below drinking-water aquifers. So contamination, whether by shale gas or fracking wastewater—which contains fracking chemicals, salt, heavy metals, and radioactive elements leached from the rock—should be physically impossible. The argument makes intuitive sense, but the jury is still out. Duke University scientists have recently reported evidence that fluids—albeit not fracking fluids—have migrated upward from the Marcellus Shale through natural fissures.

In an earlier study the Duke researchers sampled 60 private water wells in northeastern Pennsylvania and found no sign of fracking fluids. But they did find that methane levels were on average 17 times higher in wells near drilling sites and that some of the methane had the chemical signature of shale gas. It may have leaked into the shallow aquifers, they said, through faulty casings around the gas wells. The Pennsylvania Department of Environmental Protection (DEP) also blamed faulty casings in 2009 when it fined Cabot Oil & Gas for contaminating the drinking supplies of 19 homes in Dimock Township, 60 miles east of the Vargson farm. In that case the methane came not from the shale but from shallow deposits traversed by the gas wells. DEP has also fined gas companies for mishandling fracking wastewater and allowing spills that polluted creeks and rivers.

In Pennsylvania and elsewhere, shale-gas drilling has raced far ahead of efforts to understand and limit its impact. So far, however, its impact seems much smaller than that of coal mining—which in Pennsylvania has caused far worse river pollution, in West Virginia has lopped the tops off numerous mountains, and in the U.S. still kills hundreds of miners a

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year, mostly through black lung disease. The comparison is relevant because cheap natural gas is reducing coal burning. As recently as 2007, coal generated nearly half of U.S. electricity. Last March its share fell to 34 percent.

John Hanger, a Pennsylvania lawyer who helped author the state's renewable-energy standards, ran the DEP from 2008 to early 2011. Though he tightened regulations on the gas industry and handed out substantial fines, he was attacked by opponents who wanted a complete halt to fracking. Hanger believes such critics are missing the big picture. "The massive switching from coal to gas has done more to clean Pennsylvania's air, and America's air, than probably any other single thing we've ever done," he says.

Unlike coal, natural gas burns without spewing sulfur dioxide, mercury, or particulates into the air or leaving ash behind. And it emits only half as much carbon dioxide. The greenhouse gas inventory compiled by the U.S. Environmental Protection Agency (EPA) shows that the nation's CO₂ emissions in 2010 were lower than in 2005 by just over 400 million metric tons, or 7 percent. (Preliminary data for 2011 indicate a further decrease.) Reduced emissions from power plants, mostly because many have switched from coal to gas, accounted for a bit over a third of that.

Some environmentalists who once welcomed shale gas with precisely that expectation changed their minds after watching the boom in Pennsylvania. But Hanger hopes it spreads around the world, as it seems likely to. "In China they're sitting on potentially huge supplies of shale gas," he says. "It would be an enormous climate benefit if China were to substitute gas for some of its coal burning. And it's an immediate benefit—you don't have to wait until 2040 or 2050."

Unless too much methane leaks into the atmosphere. As U.S. CO₂ emissions fell between 2005 and 2010, methane emissions rose. By 2010, EPA says, the rise was equivalent in global warming potential to around 40 million metric tons of CO₂ annually, which means it offset 10 percent of the CO₂ decline. More than half of that methane increase, says EPA, came from the natural gas industry—the country's biggest emitter.

Judging by EPA's numbers, fracking still seems like a clear win for the climate. But some scientists, notably Robert Howarth and his coworkers at Cornell University, believe EPA has underestimated methane emissions and, more important, the global warming potential of each methane molecule. They argue that methane leaking from wells, pipes, compressors, and storage tanks actually makes shale gas worse for the climate than coal. Other researchers question Howarth's approach. The debate persists in part because methane numbers are so uncertain.

New rules issued by EPA this year will require the gas industry to measure its emissions and also to reduce them. One of the biggest leaks occurs when a fracked well is completed and high-pressure fracking fluids surge back up the well, bringing methane with them. The new rules will require gas companies to start capturing that methane by 2015, using technology that's already required in Wyoming, Colorado, and parts of Texas.

Some experts consider methane capture a great opportunity: an easier way than controlling CO₂ to slow global warming, at least in the short term, because small amounts of methane make a big difference and because it's a valuable fuel. China, for instance, the world's largest coal producer, vents huge amounts of methane from its mines to prevent explosions. In the 1990s, when Egyptian geologist Mohamed El-Ashry headed the Global Environment Facility, an agency created by the United Nations and the World Bank, it devoted ten million dollars to projects that siphoned methane from several Chinese mines and delivered it as fuel to thousands of nearby households. Hundreds of such projects await funding worldwide, El-Ashry says.

Drew Shindell, a climate scientist at NASA's Goddard Institute for Space Studies, recently led a global team of scientists in analyzing seven methane-reduction strategies, from draining rice fields to capturing the gas that escapes from landfills and gas wells. Unlike CO₂, methane affects human health, because it's a precursor of smog. When health impacts are included, Shindell's group found, the benefits of methane controls outweigh the costs by at least 3 to 1, and in some cases by as much as 20 to 1.

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"There are some sources that are difficult, if not impossible, to control," says Shindell. "The Arctic emissions—I'd probably vote those as being near impossible. But then you have long-distance gas pipelines, and we know exactly how to control leaks from those: put in and maintain high-quality seals. And there are other places, especially in oil, gas, and coal production. It's really straightforward to get a substantial fraction of methane emissions under control."

Last spring, as the annual thaw began in Alaska, Katey Walter Anthony heard from her friend Bill Wetzen, who owns Goldstream Lake and sometimes brings her coffee out on the ice. When Wetzen bought the property 20 years ago, he built his bungalow about 20 yards from the lake; by last year it was nearly at the water's edge. Now, Wetzen said, with the permafrost thawing beneath it, the walls and floors were tearing apart. He was going to have to move.

Also last spring, DOE-funded researchers on Alaska's North Slope successfully tested a method of extracting methane from buried hydrates. Though the process "may take years" to become economically viable, said the DOE press release, "the same could be said of the early shale gas research ... that the Department backed in the 1970s and 1980s." If even a small fraction of methane hydrates becomes recoverable, DOE estimates, that could double U.S. gas resources.

Some of the methane bubbling from Arctic lakes, Walter Anthony says, might come from hydrates. Around 56 million years ago, in the Paleocene, a long planetary warming culminated in a sudden temperature spike of 9°F; many scientists suspect a massive destabilization of methane hydrates. Most, including Walter Anthony, do not think such a catastrophe is likely now. But Arctic methane could add a lot to global warming over the next few centuries.

"If we could only capture it, it would make a great energy source," Walter Anthony says.

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Fracking Industry Keeps Eye on Obama; EPA Report Could Doom its Future Rigzone.com

11/23/2012

The Washington Times

The drilling process that has brought U.S. energy independence within reach faces renewed scrutiny from the Obama administration and an uncertain future in many states.

Oil and gas industry leaders remain enthusiastic yet cautious that hydraulic fracturing, commonly known as "fracking," will be fully embraced by the newly re-elected President Obama and state leaders.

Fracking is a controversial but highly successful practice that has unlocked massive amounts of fuel. Endorsements from Mr. Obama and state leaders would make fracking the cornerstone of U.S. energy policy for decades to come.

Industry leaders won't have to wait long for their first clue to what the future holds.

Next month, the Environmental Protection Agency is expected to release a draft of its long-awaited report on suspected links between water pollution and fracking, which uses huge amounts of water, combined with sand and chemical mixtures, to crack underground rock and release trapped oil and gas.

The completed EPA study won't be finished until 2014, but the draft will provide an early indication to which energy path the Obama administration will take in the next four years.

Many in the energy sector, along with congressional Republicans, fear the report will paint fracking in a negative light and give the White House political cover for cracking down on it in the name of science, something environmentalists have hoped for since Mr. Obama came into office in 2009.

But economics may outweigh environmental arguments. Energy leaders now, more than ever, are portraying oil and gas production as a key way of generating tax revenue, spurring job creation and saving the nation from going off the looming "fiscal cliff."

"It's going to take tax reform, but we can't tax our way out of this. It's going to take entitlement reform, but we can't save our way out of this. And we're not going to be able to grow out of this. ... We need another [way] to make this achievable, and we believe that's energy," said Karen A. Harbert, president and CEO of the U.S. Chamber of Commerce's Institute for 21st Century Energy. "Every dollar that we generate from energy is a dollar that we don't have to take out of the Defense Department, the entitlement area, or increase taxes."

Ms. Harbert and others remain optimistic that the White House will recognize that, and they are heartened by what they heard from the president during his campaign. While Republicans and some industry analysts at times have doubted his sincerity, Mr. Obama voiced strong support for expanded oil and gas drilling throughout his race against Republican challenger Mitt Romney.

Politically, it has become increasingly difficult to oppose such expansion, especially in light of research that shows drilling will be vital to the effort to free the U.S. from reliance on Middle Eastern oil.

The International Energy Agency last week predicted that the U.S. will become the world's largest oil producer by the next decade, overtaking Saudi Arabia and putting the nation on course to be energy self-sufficient by 2030. The shift is driven

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by increases in oil extraction and the production of natural gas, which since 2007 has gone up from 20.2 trillion cubic feet per year to more than 24 trillion cubic feet and likely will go even higher.

The new energy reality, unimaginable even five years ago and driven primarily by fracking, puts pressure on the Obama administration to fully embrace the extraction method and avoid taking steps that could hamper it, analysts say.

"We believe you cannot be for the potential energy development in the U.S. and be against hydraulic fracturing," said Jack Gerard, president of the American Petroleum Institute.

As the White House weighs its options, fights over fracking are heating up in state capitals.

North Carolina Gov.-elect Pat McCrory, a Republican, recently said he plans to get his state "in the energy business," signaling that he will take a different path from that of his predecessor, Gov. Bev Perdue, who vetoed legislation to allow fracking.

New York Gov. Andrew Cuomo must decide whether to allow the practice in the Empire State, though he continues to equivocate, and it's unclear when he will make a decision. Last month, a coalition of environmental groups sued California to stop fracking, claiming that the toll it may take on water supplies has not been fully studied.

Meanwhile, states such as Pennsylvania and North Dakota continue to expand drilling, creating tens of thousands of jobs and pumping millions of dollars into local economies.

Any federal action to limit fracking would pour cold water on the growth in those states and give fresh ammunition to the vocal environmental opposition in New York, California and elsewhere. Although some new federal rules and oversight are almost inevitable, many analysts say, the administration can't turn back the tide.

"It's clear that the EPA, the Interior Department, may impose some more regulations on drilling both nationally and on federal lands, but it cannot and will not stop all the momentum. ... It's too big," Robert Bryce, an energy scholar at the Manhattan Institute, said in a recent interview with Fox News. "The Obama administration would be foolish, absolutely insane, to try and stop it."

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No "Fracking" Way Say Those Who's Drinking Water is Toxic from Controversial Drilling Method of Hydraulic Fracturing NewStaar

11/23/2012

Despite a recent USA Today headline indicating that public support for "Fracking" is growing, those close to the subject, like those who live near the new type of Natural Gas and Oil drilling sites, see things very differently. Their drinking water has become undrinkable, toxic, and even flammable, and in many cases the health of the families has been severely affected.

The process of Horizontal Hydraulic Fracturing, or "fracking", involves drilling deep wells into large shale deposits which have been detected below some 36 states in the U.S. currently. Between 1 and 8 million gallons of water, mixed with 596 chemicals, many toxic including known cancer causing agents, are forced a high pressure into the well to fracture the deposits releasing some oil and large quantities of natural gas. The amount of natural gas believed to be available could make the U.S. the largest producer of natural gas on the planet.

The problem with the method of extraction, however, goes back to the toxic mix of chemicals used in the process, and the fact that over half of the toxic mix is left behind in the drill site. The chemicals and a lot of the natural gas then leech into the drinking water in underground wells, and also into rivers. Planned drilling in Pennsylvania and New York would lead to toxic pollution of the rivers and streams which feed into the drinking supply for all those in major metropolitan areas of New York, New Jersey, Pennsylvania and Delaware.

While some argue that the Fracking process is safe, one has to wonder why the Bush administration exempted the Oil companies from complying with the Safe Drinking Water Act. "In 2005, the Bush/ Cheney Energy Bill exempted natural gas drilling from the Safe Drinking Water Act. It exempts companies from disclosing the chemicals used during hydraulic fracturing. Essentially, the provision took the Environmental Protection Agency (EPA) off the job. It is now commonly referred to as the Halliburton Loophole."

This means that the fracking process is not subject to any oversight or regulation from the Environmental Protection Agency (EPA).

A recent HBO documentary titled GASLAND ([watch it here](#)) airing this month shed light on the issue and documented families all around the country who are dealing with the results of drilling on or near their property in this manner. While some will try to debate the side effects of the Fracking process, the simplest solution is to allow the EPA to do its job and oversee the process. Insiders from the EPA have voiced their concerns about the process, but until the law is changed the EPA is not allowed to get involved because the companies, including Halliburton are exempt from EPA regulations and oversight.

New York recently passed legislation negating the exemption from federal law in a effort to prevent the pollution of its water supply. A bill is currently circulating in congress. Known as the FRAC Act (Fracturing Responsibility and Awareness to Chemical Act), it is a House bill intended to repeal the Halliburton Loophole and to require the natural gas industry to disclose the chemicals they use. If passed this the FRAC Act will remove the exemption at the federal level and allow the EPA to do its job. Individuals are urged to contact their representatives in congress and tell them to support the measure

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which will provide the Environmental Protection Agency which is sorely needed, and currently missing, in this process.

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Fracking industry keeps eye on Obama; EPA report could doom its future Utility Products Magazine - Online

11/23/2012

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Any federal action to limit fracking would pour cold water on the growth in those states and give fresh ammunition to the vocal environmental opposition in New York, California and elsewhere. Although some new federal rules and oversight are almost inevitable, many analysts say, the administration can't turn back the tide.

"It's clear that the EPA, the Interior Department, may impose some more regulations on drilling both nationally and on federal lands, but it cannot and will not stop all the momentum. ... It's too big," Robert Bryce, an energy scholar at the Manhattan Institute, said in a recent interview with Fox News. "The Obama administration would be foolish, absolutely insane, to try and stop it."

EPA & Hydraulic Fracturing - Nov. 21 to 26

Fracking industry keeps eye on Obama; EPA report could doom its future Electric Light and Power

11/23/2012

The drilling process that has brought U.S. energy independence within reach faces renewed scrutiny from the Obama administration and an uncertain future in many states.

Oil and gas industry leaders remain enthusiastic yet cautious that hydraulic fracturing, commonly known as "fracking," will be fully embraced by the newly re-elected President Obama and state leaders.

Fracking is a controversial but highly successful practice that has unlocked massive amounts of fuel. Endorsements from Mr. Obama and state leaders would make fracking the cornerstone of U.S. energy policy for decades to come.

Industry leaders won't have to wait long for their first clue to what the future holds.

Next month, the Environmental Protection Agency is expected to release a draft of its long-awaited report on suspected links between water pollution and fracking, which uses huge amounts of water, combined with sand and chemical mixtures, to crack underground rock and release trapped oil and gas.

The completed EPA study won't be finished until 2014, but the draft will provide an early indication to which energy path the Obama administration will take in the next four years.

Many in the energy sector, along with congressional Republicans, fear the report will paint fracking in a negative light and give the White House political cover for cracking down on it in the name of science, something environmentalists have hoped for since Mr. Obama came into office in 2009.

But economics may outweigh environmental arguments. Energy leaders now, more than ever, are portraying oil and gas production as a key way of generating tax revenue, spurring job creation and saving the nation from going off the looming "fiscal cliff."

"It's going to take tax reform, but we can't tax our way out of this. It's going to take entitlement reform, but we can't save our way out of this. And we're not going to be able to grow out of this. ... We need another [way] to make this achievable, and we believe that's energy," said Karen A. Harbert, president and CEO of the U.S. Chamber of Commerce's Institute for 21st Century Energy. "Every dollar that we generate from energy is a dollar that we don't have to take out of the Defense Department, the entitlement area, or increase taxes."

Ms. Harbert and others remain optimistic that the White House will recognize that, and they are heartened by what they heard from the president during his campaign. While Republicans and some industry analysts at times have doubted his sincerity, Mr. Obama voiced strong support for expanded oil and gas drilling throughout his race against Republican challenger Mitt Romney.

Politically, it has become increasingly difficult to oppose such expansion, especially in light of research that shows drilling will be vital to the effort to free the U.S. from reliance on Middle Eastern oil.

The International Energy Agency last week predicted that the U.S. will become the world's largest oil producer by the next decade, overtaking Saudi Arabia and putting the nation on course to be energy self-sufficient by 2030. The shift is driven by increases in oil extraction and the production of natural gas, which since 2007 has gone up from 20.2 trillion cubic feet per year to more than 24 trillion cubic feet and likely will go even higher.

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The new energy reality, unimaginable even five years ago and driven primarily by fracking, puts pressure on the Obama administration to fully embrace the extraction method and avoid taking steps that could hamper it, analysts say.

"We believe you cannot be for the potential energy development in the U.S. and be against hydraulic fracturing," said Jack Gerard, president of the American Petroleum Institute.

As the White House weighs its options, fights over fracking are heating up in state capitals.

North Carolina Gov.-elect Pat McCrory, a Republican, recently said he plans to get his state "in the energy business," signaling that he will take a different path from that of his predecessor, Gov. Bev Perdue, who vetoed legislation to allow fracking.

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**Facts should be what determines fracking debate
Southern Illinoisan - Online**

11/23/2012

Facts should be what determines fracking debate

2012-11-23T01:00:00Z Facts should be what determines fracking debate

BY LES WINKELER, The Southern

thesouthern.com

I whole-heartedly agree with Kyna Legner.

Ms. Legner, a field director for Illinois Energy in Depth, wrote a column last week urging that facts be the basis of any discussion regarding hydraulic fracturing.

Her column was brilliantly written. She presented just the right facts to put a benign face on the natural gas extraction industry. However, it was the facts that were omitted that give me, and other fear mongers (her term) pause.

Fact one, she identified Illinois Energy In Depth as a research, education and public outreach campaign focusing on the responsible development of energy resources. Amazingly enough, that organization was launched by the Independent Petroleum Association of America.

I think it would be safe to assume that it is Ms. Legner's job to polish the apple.

Fact two, the column states that fracking has been used for 60 years.

Technically, that's true. My research shows fracking was introduced in 1947.

Unfortunately, it was conveniently omitted that horizontal slickwater fracturing, the controversial technique in question, was only developed in 1998. Since horizontal fracking has only been used for 14 years, it sheds somewhat of a different light on the claim that fracking has been safely deployed 1.2 million times over 60 years.

While somewhat amusing, I'm also a bit concerned about the semantic tapdance industry sources employ regarding the safety of fracking.

Ms. Legner quotes Lisa Jackson, a U.S. EPA administrator, as saying, "In no case have we made a definitive determination that the fracking process has caused chemicals to enter groundwater."

Yet, she fails to note a Duke University study links natural gas development to contaminated water wells. The column also fails to mention the U.S. Environmental Protection Agency report this summer that a United States Geological Survey study concluded fracking was responsible for contaminating the drinking water near Pavillion, Wyoming.

But, perhaps Ms. Legner's most egregious use of "facts" was in her description of hydraulic fracking fluid. She described the fluid as 99 percent sand and water. That certainly sounds benign.

One fact I would like to know – what's in the other one percent. No one will tell us. The energy companies claim it is

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proprietary information.

You want me to believe it's benign, don't hide behind the proprietary smokescreen.

And, frankly, the 99 percent sand and water argument doesn't stand up to even moderate scrutiny.

Ms. Legner, if we went to a fracking site and removed the sand from the mixture being injected into the ground, would you drink it?

Or, let's look at it this way, if I gave you a glass of water with a splash of gasoline, would you drink it? Hey, it's 99 percent water ...

Finally, let's not forget about the volume of water used in fracking. Three million gallons is about an average amount used each time a well is fracked. Let's use her figures and assume 99 percent of it is nothing more than sand and water.

That means each time a well is fracked 30,000 gallons of other substances are injected into the ground.

One of the chemicals sometimes used in fracking is benzene. According to the Safe Water Drinking Act, the maximum safe level of benzene in drinking water is 5 parts per billion.

One of conclusions Ms. Legner reached was, "It doesn't sound so scary when the whole truth is presented, does it?"

I beg to differ.

And, presenting just the facts you chose ... that smells of whitewash.

LES WINKELER is the outdoors writer for The Southern Illinoisan. Contact him at les.winkeler@thesouthern.com , or call 618-351-5088.

Recommendations

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Gas drilling presents Obama with historic choices Ithaca Journal - Online

11/23/2012

President Barack Obama waves as he leaves the White House in Washington, Saturday, Nov. 17, 2012, for a trip to Southeast Asia. / AP Photo/Manuel Balce Ceneta

PITTSBURGH Energy companies, environmental groups, and even Hollywood stars are watching to see what decisions President Barack Obama makes about regulating or promoting natural gas drilling.

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Some say the unexpected drilling boom presents historic options and risks for the Obama administration.

It's a tough choice. The president is in a real bind, said Charles Ebinger, director of the energy security initiative at the Brookings Institution, a Washington, D.C., nonprofit. I think the question is what does he want his legacy to be?

Ebinger said that if Obama fully embraced the boom in gas drilling the nation could see incredible job gains that could lead to a re-industrialization of America. Possibilities like that are tempting to any president, and perhaps even more so in the current economy.

But really embracing this stuff is going to bring him squarely in conflict with some of his environmental supporters. It's not without some possible peril, particularly if he gets to be seen too cozy with the oil and gas folks, Ebinger said.

Hydraulic fracturing, or fracking, has made it possible to tap into deep reserves of oil and gas but has also raised concerns about pollution. Large volumes of water, along with sand and hazardous chemicals, are injected underground to break rock apart and free the oil and gas.

Environmental groups and some scientists say there hasn't been enough research on water and air pollution issues. The industry and many federal and state officials say the practice is safe when done properly, and that many rules on air pollution and disclosure of the chemicals used in fracking are being strengthened.

The Sierra Club is already trying to slow the gas rush, which began in Texas and has expanded to Pennsylvania, Colorado and other states. It's started a nationwide Beyond Natural Gas campaign to push for more regulation on an industry it describes as Dirty, Dangerous and Run Amok.

We need to avoid replacing one set of problems with a new but very different set of problems, said Michael Brune, the Sierra Club's executive director, referring to coal and natural gas. Investing in green energy makes more economic and environmental sense, he said.

The Sierra Club knows natural gas will be a part of the nation's energy future. How much a part is a big fight right now, Brune said.

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Brune agreed that you have to acknowledge that there are benefits to home-grown energy.

Critics say many states haven't been tough enough on the industry, which has objected to the idea of national drilling regulations. Some state officials oppose such proposals, too.

Yes, we are concerned, said Patrick Henderson, energy executive for Pa. Gov. Tom Corbett. Upwards of 10 federal agencies are seeking to put their proverbial nose under the tent with regard to oil and gas development. He added that federal intrusion is a surefire way to impede job growth. We'll be vigilant of proposed federal rulemakings.

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One expert in Texas predicted that Obama won't go to extremes.

I don't think the administration will do anything to halt development, said Kenneth Medlock III, a professor at Rice University's Center for Energy Studies in Houston, adding that there will be some attempts to move regulations into federal hands.

Medlock expects Obama to keep the pressure on the coal industry, but go slowly on the natural gas export issue. The industry says exports have the potential to be highly profitable, but some members of Congress fear exports will just drive up domestic prices, depriving consumers and other industries of the benefits of cheap natural gas.

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A lot of the industry guys are pretty shaken by the anti-fracking movement, said Michael Shellenberger, president of the Breakthrough Institute, an Oakland nonprofit that promotes new ways to address environmental issues. That might make them a bit more open to regulatory oversight.

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11/22/2012

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**Gas drilling presents Obama with historic choices
Times Recorder - Online**

11/22/2012

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Nov 17, 2012

|

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But really embracing this stuff is going to bring him squarely in conflict with some of his environmental supporters. It's not without some possible peril, particularly if he gets to be seen too cozy with the oil and gas folks, Ebinger said.

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Critics say many states haven't been tough enough on the industry, which has objected to the idea of national drilling regulations. Some state officials oppose such proposals, too.

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One expert in Texas predicted that Obama won't go to extremes.

I don't think the administration will do anything to halt development, said Kenneth Medlock III, a professor at Rice University's Center for Energy Studies in Houston, adding that there will be some attempts to move regulations into federal hands.

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Gas drilling presents Obama with historic choices
WLFI-TV - Online

11/22/2012

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Updated: Monday, 19 Nov 2012, 3:14 PM EST

Published : Thursday, 22 Nov 2012, 2:00 PM EST

KEVIN BEGOS | Associated Press

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DISQUS lets you login with several different options, including Facebook, Google, Twitter, Yahoo or OpenID. We expect it to allow more conversation and better moderation. If you have any questions, please feel free to comment below.

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Updated: 9:57 p.m. Saturday, Nov. 17, 2012 | Posted: 7:36 p.m. Saturday, Nov. 17, 2012

Gas drilling presents Obama with historic choices

Associated Press

FILE - In this July 27, 2011 file photo, Range Resources site manager Don Robinson stands near the well head by the drill that goes into the shale at a well site in Washington, Pa. Energy companies and environmental groups are both wondering how President Barack Obama's reelection will impact the boom in shale natural gas drilling. (AP Photo/Keith Srakocic, File)

By KEVIN BEGOS

The Associated Press

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"It's a tough choice. The president is in a real bind," said Charles Ebinger, director of the energy security initiative at the Brookings Institution, a Washington, D.C., nonprofit. "I think the question is what does he want his legacy to be?"

Ebinger said that if Obama fully embraced the boom in gas drilling the nation could see "incredible" job gains that could lead to "a re-industrialization of America." Possibilities like that are tempting to any president, and perhaps even more so in the current economy.

"But really embracing this stuff is going to bring him squarely in conflict with some of his environmental supporters. It's not without some possible peril, particularly if he gets to be seen too cozy with the oil and gas folks," Ebinger said.

Hydraulic fracturing, or fracking, has made it possible to tap into deep reserves of oil and gas but has also raised concerns about pollution. Large volumes of water, along with sand and hazardous chemicals, are injected underground to break rock apart and free the oil and gas.

Environmental groups and some scientists say there hasn't been enough research on water and air pollution issues. The

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industry and many federal and state officials say the practice is safe when done properly, and that many rules on air pollution and disclosure of the chemicals used in fracking are being strengthened.

The Sierra Club is already trying to slow the gas rush, which began in Texas and has expanded to Pennsylvania, Colorado and other states. It's started a nationwide "Beyond Natural Gas" campaign to push for more regulation on an industry it describes as "Dirty, Dangerous and Run Amok."

"We need to avoid replacing one set of problems with a new but very different set of problems," said Michael Brune, the Sierra Club's executive director, referring to coal and natural gas. Investing in green energy makes more economic and environmental sense, he said.

The Sierra Club knows natural gas will be a part of the nation's energy future. "How much a part is a big fight right now," Brune said.

Such arguments have resonated with many environmental groups, and with actors and musicians who are lending their star power to anti-drilling efforts.

The Hollywood film *Promised Land* is scheduled for release in December, starring Matt Damon, with a story line about drilling from best-selling novelist Dave Eggers. But even before its release, critics pounced on the fact that some financing for the project came from a company in the United Arab Emirates - a country that stands to lose money if the U.S. gets more of its energy needs at home.

Brune agreed that "you have to acknowledge that there are benefits to home-grown energy."

Critics say many states haven't been tough enough on the industry, which has objected to the idea of national drilling regulations. Some state officials oppose such proposals, too.

"Yes, we are concerned," said Patrick Henderson, energy executive for Pa. Gov. Tom Corbett. "Upwards of 10 federal agencies are seeking to put their proverbial nose under the tent with regard to oil and gas development." He added that federal intrusion "is a surefire way to impede job growth. We'll be vigilant of proposed federal rulemakings."

The U.S. Environmental Protection Agency is conducting one major national review of drilling and potential drinking water impacts, but it won't be finished until 2014.

Jack Gerard, president of the American Petroleum Institute, which lobbies for the industry in Washington, is hoping Obama's campaign rhetoric doesn't change.

"He has evolved on the oil and the gas issue, and today, he gives it a full-throated endorsement in terms of the need to produce it to create jobs, get our economy back on track," Gerard said in a postelection conference call.

Most experts agree that Obama faces four big choices about the gas boom: whether to back nationwide EPA rules; whether to keep pressuring coal-fired power plants to reduce emissions (which benefits gas as an alternative fuel); whether to allow large-scale exports of liquefied natural gas; and whether to support a national push to use compressed gas in commercial vehicles.

One expert in Texas predicted that Obama won't go to extremes.

"I don't think the administration will do anything to halt development," said Kenneth Medlock III, a professor at Rice University's Center for Energy Studies in Houston, adding that there will be "some attempts" to move regulations into federal hands.

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Medlock expects Obama to keep the pressure on the coal industry, but go slowly on the natural gas export issue. The industry says exports have the potential to be highly profitable, but some members of Congress fear exports will just drive up domestic prices, depriving consumers and other industries of the benefits of cheap natural gas.

Others see an opportunity for the president to stake out a middle ground.

"A lot of the industry guys are pretty shaken by the anti-fracking movement," said Michael Shellenberger, president of the Breakthrough Institute, an Oakland nonprofit that promotes new ways to address environmental issues. "That might make them a bit more open to regulatory oversight."

Shellenberger said natural gas could also be a "big opportunity" for Obama as part of a broader campaign to address greenhouse gas emissions.

Ebinger agreed, saying that "if we really pushed tax credits to get diesel out of long-distance trucks" that could lead to massive carbon dioxide reductions. But at some point, Obama will have to make tough decisions. "I don't think the president can punt this one," he said.

Whatever Obama does, "it will definitely drive a bunch of people crazy" in the environmental community, Shellenberger said.

Related

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Ontario Fracking: Dalton McGuinty Says No, Wants To Wait For Evidence It's Safe Huffington Post Canada, The

11/21/2012

TORONTO - Ontario would need to see scientific proof that hydraulic fracturing, or fracking, is safe before it allows energy companies to use the controversial practice to extract natural gas, Premier Dalton McGuinty said Tuesday.

No private companies have approached the province to request permission to frack, which involves the use of chemically-treated water under extreme pressure in drill holes to fracture underground shale and release gas or oil.

"If somebody was to approach us and say would you consider fracking in Ontario, I think the first thing we'd have to say is: 'Hang on a second now. We're going to have to take a look at the latest evidence associated with fracking, the risks. There have been some experts who've written about the risks associated with water,'" said McGuinty.

"I think we'd have to take a long hard look at the scientific evidence before we'd give a thumbs-up or a thumbs-down, but at this point in time, it's purely academic."

The New Democrats shared McGuinty's concerns about negative environmental impacts from fracking, especially on drinking water.

"We've been watching what's been happening across the country and across North America on the fracking issue, and one of the things we're obviously concerned about is making sure that water tables are safe, making sure that the process doesn't threaten other important environmental considerations," said NDP Leader Andrea Horwath.

However, the Progressive Conservatives said they were "very optimistic" about the jobs that could be created if fracking were approved in Ontario.

"There's 100 years of affordable energy that can come from it," said PC energy critic Vic Fedeli.

"We're very encouraged by it and everything we've seen to this point, from all the engineers and experts, talks about the safety and the environmental safety of it."

Opponents of fracking said companies including Mooncor Oil and Gas and Dundee Energy are buying up land in southwestern Ontario, especially the Kettle Point area on Lake Huron, that could be used for fracking.

"Mooncor has not announced any plans to frack in Ontario," company spokesman Nick Tsimidis said in an email Tuesday. Dundee Energy did not immediately reply to requests for an interview.

The Council of Canadians opposes fracking, and wants Ontario to follow Quebec's lead and impose a moratorium on the practice. It warns fracking in Ontario could have serious long-term and cumulative impacts on the Great Lakes.

Quebec has a moratorium on fracking and all oil and gas exploration activities under the Saint Lawrence River, but other provinces, including British Columbia, Alberta and Saskatchewan, allow fracking.

At least 175,000 wells have been fracked in Canada, the majority of them in Alberta.

Nova Scotia had some fracking operations in 2007-08, but the NDP government has said it won't approve any more hydraulic fracturing until a review of the process is completed in 2014.

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A report done for the New Brunswick government, released in October, said the province should proceed with shale gas exploration but with a phased-in approach that would limit it to one to three sites to allow for research and development.

The B.C. Oil and Gas Commission said in September that a spate of small earthquakes in the province's northeastern corner were caused by fracking in the Horn River Basin, a gas-rich shale formation that's attracted some of the industry's biggest players. The 38 quakes ranged between magnitudes of 2.2 and 3.8 on the Richter scale.

Last December, the U.S. Environmental Protection Agency, for the first time, implicated fracking in causing ground water pollution. The EPA announced it found compounds likely associated with fracking chemicals in the groundwater beneath a Wyoming community where residents say their well water reeked of chemicals.

The issue has caught the attention of some celebrities, with Yoko Ono, Paul McCartney, Lady Gaga and actor Alec Baldwin joining Artists Against Fracking in New York state.

Also on HuffPost:

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**Fracking's Toxic Secrets: Lack Of Transparency Over Natural Gas Drilling Endangers Public Health, Advocates Say
Huffington Post, The**

11/21/2012

Some frustrated residents and anti-fracking activists are finding new names to call the Pennsylvania Department of Environmental Protection (DEP) -- "Don't Expect Protection," "Department of Energy Production" -- according to Dana Dolney of ShaleTest, a nonprofit that provides free air and water quality testing for low-income residents near natural gas wells.

The department is taking heat for providing what critics see as incomplete water quality test results to property owners who are concerned about pollution from nearby fracking operations. Withholding such information, the critics say, could endanger residents' health.

"Based on what is happening in the Marcellus Shale, we saw a huge desperate need for this kind of testing," Dolney said. "We wouldn't have to do what we do if it wasn't for the failures of the DEP."

The DEP and natural gas companies are defending the testing methods, asserting that the contaminants most likely to be associated with fossil fuel extraction are included in what is shared with the DEP and, subsequently, with homeowners.

Still, critics suggest the purported "filtering" of testing data is just one of the ways people are left in the dark about the assortment of heavy metals and other toxic contaminants that may be in their air and water as a result of drilling, hydraulic fracturing and other phases of natural gas production. Recent studies have identified more than 600 chemicals used throughout the process of natural gas production, and often left undisclosed by companies. Additionally, natural but equally hazardous substances can be released from the wells.

"The disclosing of chemicals used by the industry remains seriously incomplete. Couple that with the incomplete reports on water tests and it aggravates a situation where landowners don't have a full picture of what is going on," said Kate Sinding, a senior attorney with the Natural Resources Defense Council.

David Headley, of Smithfield, Penn., is one of those that's been getting incomplete information about contaminants in his water.

In April 2010, four years after the first natural gas well was drilled near his home, the DEP tested Headley's drinking water and reported low levels of barium, strontium and manganese.

"We were told the water was safe to drink," David Headley said. "But we had an infant in the house, and a pre-teen. We weren't about to let them drink it."

The test results were labeled with the now-controversial Pennsylvania DEP code 942, which tells the testing lab to send back just a subset of results. Among 24 heavy metals tested, for example, results of just eight are ultimately verified and reported. Aluminum, silicon, titanium and lithium are among the excluded metals.

"A number of those other metals could be present," said Tony Ingraffea, professor of Civil and Environmental Engineering at Cornell University. "I know for a fact that lithium has been found in drinking water tests done on families who have complained due to nearby drilling or fracking."

Travis Windle, spokesperson for the Marcellus Shale Coalition called the accusations of manipulated test results

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"baseless claims." And Pennsylvania DEP spokesman Kevin Sunday told The Huffington Post that the "biggest indicators of drilling" are barium, strontium and potassium -- all included with code 942. The agency, he explained, bypasses the costly and time-intensive quality control steps for the 16 less relevant metals.

Sunday added that the agency sometimes uses a newer code, 946, which provides a slightly longer list of contaminants, including aluminum and lithium.

It's not entirely clear what contaminants a test should be looking to find. No federal laws require natural gas companies to disclose the chemicals they use in their operations, a byproduct of the so-called "Halliburton loophole," a Bush-era energy bill that exempts natural gas drilling from the Safe Drinking Water Act.

Some states have enacted their own disclosure legislation on fracking fluids -- the material blasted into bedrock to release natural gas -- but many have loopholes.

Pennsylvania's Act 13, for example, includes disclosure exemptions for any chemicals brought up naturally from the shale, formed as a reaction, or are otherwise "incidental." There are also exclusions for trade secrets.

In September, an investigation by EnergyWire found that 65 percent of disclosures made by oil and gas companies leave out information about one or more fracking chemicals that the companies claim to be confidential.

Physicians, according to a provision in Act 13, can access this exempted information if it is relevant to a patient's care, but they must first sign a confidentiality agreement stating that they won't share the information with anyone -- not even their patients.

Thanks to databases such as FracFocus and a recent project by the nonprofit SkyTruth, the information that is publicly disclosed is becoming easier to find. None of these public records, however, include information on the chemicals used during the drilling of the well or in other aspects of the operations.

The EPA, too, is focusing their current research on how fracking could affect drinking water sources -- from water acquisition to treatment and disposal of the wastewater. As the agency told HuffPost, while they "are not looking at transport or drilling, the scope of the study does include spills of chemicals used on site to formulate fluids for hydraulic fracturing."

That means the study will miss at least one likely contamination source: "Whatever is in the drilling mud fluid comes into contact with underground sources of drinking water," according Cornell's Ingraffea.

Theo Colborn, an expert in toxic chemicals and president of the Endocrine Disruption Exchange, said that fracking fluid is just one component of the huge pollution problem stemming from natural gas production.

Around wells in rural Colorado, her team recently detected high concentrations of contaminants in the air, including methylene chloride, a toxic solvent not disclosed by industry but reported by residents and gas field workers as being stored on well pads for cleaning purposes. The levels of the contaminant peaked before the fracking phase even began.

As for David Headley, ShaleTest recently looked at the air quality around his home and detected high levels of many toxic chemicals, including acetone and carbon tetrachloride.

Between contamination of the air, ground and water, Headley said he still doesn't know what chemicals his family may have been exposed to over the past few years. He added that such a lack of information has hindered the ability of doctors to pinpoint the cause of his son's stomach cramps as well as the skin rashes and chronic coughs affecting his whole family.

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It makes the future look "scary," he said.

WATCH: Well Venting Near David Headley's Home:

This article has been updated to include comments from the EPA.

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11/21/2012

The New York Post on Gov. Andrew Cuomo's latest comments on hydraulic fracturing.

The fix is in; the frack may be out.

Gov. Cuomo confirmed yesterday what nearly everybody suspected: With a three-person panel of health experts named just last week, the state will now miss the Nov. 29 deadline for the Department of Environmental Conservation to issue regulations for the natural-gas extraction process called hydrofracturing, i.e. fracking.

"I don't see how they are going to make a deadline by next week and do it properly," Cuomo told Post state columnist Fredric U. Dicker's radio show.

Ah, as the feet drag.

Cuomo has been talking a responsible fracking game for years now, but this delay could invite another public comment period — translating into further delay, possibly leading to the state's four-year-plus moratorium on fracking never being lifted.

Perhaps that's what the governor wants?

Cuomo sure sounded yesterday like he was now buying into much of the anti-fracking movement's rhetoric: "People don't want to be poisoned," he said, adding, "There's a fear of poisoning."

Seriously? Even the enviro-extremists at the U.S. EPA reject the idea that fracking is unsafe.

He's even dismissing fracking's economic benefits for the economically depressed Upstate region: "There's a great number of people who say jobs aren't going to happen either," asserted the governor.

Pennsylvania's fracking-generated jobs explosion undercuts that argument.

Actually, Cuomo's stalling speaks for itself — and his actual comments amount to prospective rationalizations.

Maybe that's why he also expressed full confidence in a special health-impact study panel that he introduced into the process last week.

Talk about stacked against fracking!

In a Monday letter to Health Commissioner Nirav Shah, who selected the health-review panel, Lee Fuller, executive director of Energy in Depth, notes the public history of the three panelists:

—Lynn Goldman of George Washington University has warned of "troubling health risks in communities near fracking operations . . . toxic chemicals in the water, polluted air and even seismic activity."

—UCLA's Richard Jackson alleges "serious worker exposures . . . will likely cause silicosis and other lethal diseases."

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—John Adgate of the Colorado School of Public Health helped conduct an error-filled study on fracking ultimately dismissed by the Colorado Department of Public Health and Environment.

Sure doesn't exactly sound like an "objective" panel.

So, is the fix in?

Inaction can speak louder than words, too.

<http://bit.ly/US7rnl>

The Buffalo News on the Thruway Authority's proposal to raise tolls for trucks.

You know things are bad when the vice chairwoman blasts the New York State Thruway Authority board, and has good reason to do so.

Donna Luh is outraged at the blatant lack of transparency surrounding the authority's ill-forged idea of a 45 percent toll hike for trucks. Tempers are rising after the authority postponed two meetings on the toll hike at the last minute. Luh blew her fuse the other day when word of postponing a board meeting wasn't sent out until after 9 p.m. the night before. The words, "Are you kidding?" crept into her mind, she told The News.

That's what the public wants to know when it comes to this preposterous proposal. A 45 percent toll hike — when tolls were supposed to have been eliminated in 1996, when the highway's original construction debt was paid — is ridiculous. And so is the board meeting shuffle going on that has Luh so upset.

Luh says she's even beginning to think that the 45 percent figure isn't what this state needs. She's not alone.

From truckers to Unshackle Upstate, everyone wants to know what Thruway Authority officials are thinking, other than using the threat of a sky-high increase to ease the eventual blow of, say, a 35 percent increase. Who knows? The Cuomo administration hopes to raise \$90 million in additional revenue for the Thruway Authority. One theory is that it can then skip over to the bond market to help finance a \$5 billion Thruway bridge project over the Hudson River between Westchester and Rockland counties.

Voila! Or, not.

The New York State Motor Truck Association insists that a 45 percent toll hike would cripple some firms and most assuredly result in trucking companies and their clients passing along the cost of the toll increase to consumers. Or some truckers could decide not to take the Thruway, cutting into the anticipated revenue stream.

There are ways around this mess, involving some belt-tightening and getting rid of onerous expenses such as the maintenance costs of a non-Thruway highway in Westchester County and perhaps the biggest farce, the state's money-losing canal system.

The bad idea of using Thruway tolls to pay for the canal was most recently pointed out by State Sen. Patrick M. Gallivan, R-Elma. The Thruway and canal system were joined 20 years ago during the administration of the governor's father, Mario M. Cuomo, as part of a scheme to help balance the state's general fund.

Gallivan has noted that Thruway traffic is down 10 percent in the past seven years while the authority's expenses have risen 20 percent.

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State Comptroller Thomas P. DiNapoli gets extra credit for being at the forefront of the opposition to the toll hike. He is calling on the authority to look for savings by improving its management of the system.

That work involves eliminating vacant positions, reducing overtime and marketing unused property for sale or lease. DiNapoli also cites a recent analysis by auditors in his department that showed more could be done to collect millions of dollars in E-ZPass tolls and fees that go unpaid.

It's time for the Thruway Authority to put the brakes on a bad idea.

<http://bit.ly/QuAUyI>

The New York Times on the U.S. Supreme Court ruling on Michigan's affirmative action policies.

In a persuasive ruling last week, a majority of the United States Court of Appeals for the Sixth Circuit struck down Michigan's ban on race-conscious affirmative action policies. The ban violated the United States Constitution's equal protection clause by placing an unfair burden on racial minorities seeking to change those policies.

The ban, known as Proposal 2 and approved in a state referendum in 2006, amended the State Constitution to "prohibit all sex- and race-based preferences in public education, public employment, and public contracting."

The court's 8-to-7 decision focused not on admissions policies per se but on the fact that the process by which the ban was approved — the referendum leading to a constitutional amendment — would inevitably require people who wished to reverse it "to surmount more formidable obstacles than those faced by other groups to achieve their political objectives."

Writing for the majority, Judge R. Guy Cole Jr. argued that a black student seeking a race-conscious admissions policy would have to undertake the "long, expensive and arduous process" of amending the state constitution all over again. But students seeking to change other admissions policies — for example, to favor applicants whose relatives attended the school — could resort to a variety of readily available means, including lobbying the admissions committee or the university's leaders.

"The existence of such a comparative structural burden," Judge Cole wrote, "undermines the equal protection clause's guarantee that all citizens ought to have equal access to the tools of political change."

The result of the court's sound ruling is a level playing field, as the Constitution demands. But the issue may not be settled. The Ninth Circuit has upheld a California affirmative-action ban that was a model for Michigan's. With a conflict in the circuits on this issue, the Supreme Court may be persuaded it is ripe for review.

<http://nyti.ms/10ciDAV>

The Times Union of Albany on government's handling of post-Superstorm Sandy recovery efforts.

The devastation that remains from Superstorm Sandy can't be overstated. Two weeks after Sandy slammed into the Northeast, more than 50,000 homes and businesses remain without power. Early estimates put the damage in three states at \$50 billion.

The magnitude of the crisis demands that Gov. Andrew Cuomo, his counterparts in New Jersey and Connecticut, and Congress focus on the task at hand — relieving the very real human suffering and doing all they can to help the region recover. Tragedy would be compounded if they were to turn the issue of federal aid into an occasion for haggling or ideological posturing.

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There is ample precedent for us to worry about just that.

In 2001, following the 9/11 attack on the World Trade Center, then-Gov. George Pataki made an eye-popping \$54 billion request for federal aid. Mr. Pataki's request went far beyond what New York needed for that emergency. The governor larded on some \$20 billion for tax incentives to lure businesses to the state and pay for subways, light rail, roads and bridges statewide. A high-speed passenger rail service between Schenectady and Manhattan was on his list.

Even with the extraordinary sympathy for all New York City had endured, even with a fellow Republican in the White House, Washington balked at Mr. Pataki's opportunism, however well-intentioned it might have been for the benefit of his state.

Listen to how one observer put it:

"When he put (out) a plan for \$54 billion . and he had projects that were in no way connected to the recovery, they said, 'Here comes a local government that is looking to seize this situation for their own financial benefit,' and they recoiled."

That observer was a former U.S. secretary of Housing and Urban Development, Andrew Cuomo.

Now Mr. Cuomo is governor, with a bold request of his own: \$30 billion to cover the cost of Sandy. Not just 75 percent of the cost, as federal aid normally works. He wants it all covered.

If he's to make that case, the governor must remember his own political wisdom in 2001: no games. This is no time to slip pet projects onto the list, or tack on a little extra to make his 2013 budget easier. Washington has problems of its own.

As for Congress, this is not the time to get bogged down in another protracted debate over big government or the nation's debt, not when tens of thousands of Americans are suffering, many of them residents of a state already facing a deficit next year that is hardly in a position to handle this disaster on its own. Trying to score political points in such a crisis ought to be below even Washington's low bar.

If lawmakers really want to do something meaningful, they can start talking about how the nation will cope with what are expected to be more of these kinds of emergencies in the future. That starts, of course, with Republicans in particular acknowledging that a warming world, and human activity's contribution to it, is not some liberal myth, but the consensus of the vast majority of scientists. To ignore this reality in pursuit of wishful thinking is irresponsible.

Then they can start planning for appropriate government help when disaster strikes, and where the money will come from. They can talk, too, about this: Should government be in the business of helping people rebuild vulnerable homes and businesses in flood- and storm-prone coastal areas? Or does it make more sense to return such land to open space and public use? And yes, perhaps they can even have an intelligent discussion about energy policy that doesn't desperately cling to a past dependent on fossil fuels and instead seizes a more sustainable and ultimately more affordable future.

The storm has passed, and so has the election. No more time for games.

<http://bit.ly/TPDqTV>

The Watertown Daily Times on September's attack on the U.S. consulate in Libya.

Congressional inquiries into the attack on the Libyan consulate that claimed four American lives in September call into question claims made by President Obama and the administration about the nature of the assault on the anniversary of 9-11.

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From the beginning, there appeared to be some confusion or miscommunication within the administration about whether the attack was a terrorist plot or a spontaneous demonstration similar to what had been happening in other Muslim countries in response to an online film denigrating Islam. The latter was the administration's position advanced by U.N. Ambassador Susan Rice on television five days after the attack in which Ambassador Chris Stevens and three others died.

President Obama last week angrily denounced attacks on Ambassador Rice by some members of Congress, particularly Sens. John McCain and Lindsey Graham, who said they would try to block her appointment as secretary of state if she were nominated by President Obama.

Retired CIA Director David H. Petraeus told Senate and House intelligence committees in closed-door testimony Friday that he believed almost immediately that the assault on the Benghazi consulate was an organized terrorist attack. According to reports, Mr. Petraeus also told lawmakers about the involvement of militants linked to al-Qaida.

That information was left out of a list of "talking points" prepared by the administration and apparently used by Ambassador Rice. It is not clear who may have altered the talking points. The decision may have been, as some suggest, politically motivated during the presidential campaign, or as others say, to protect anonymous intelligence sources.

Administration officials have said the conflicting comments about the attacks were based on information available at the time. But it remains unclear what the administration knew and when in determining whether it responded appropriately in a timely manner to the attacks and whether there was adequate security at the consulate.

Some details may remain classified, but the congressional investigations should answer the questions.

<http://bit.ly/10t66bv>

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**Regulatory: Numerous EPA regulations coming after election
InsideCounsel - Online**

11/21/2012

Some of the most important EPA regulations are about to come down the pike

The Environmental Protection Agency (EPA) did not issue many major new regulations during the year prior to the November 2012, perhaps out of concern that this would give campaign fodder to Republican opponents of stronger environmental regulations. Now that the election is over and President Obama has another four years in office, the EPA is on the verge of issuing or proposing a long list of new regulations.

This column summarizes some of the most important regulations that are expected.

Air Pollution

GHG emissions from new electric generating plants: On March 27, the EPA announced proposed new regulations setting GHG standards for new electric generating plants. The standards could be met by modern natural gas-fired plants but not by coal-fired power plants using current technology. EPA plans to issue the final rule by April 2013.

GHG emissions from existing electric generating plants: The EPA has the authority to regulate GHGs from existing plants but has not announced what these standards will look like or when they will be announced. A proposal is likely in the coming year.

Boiler and Utility MACTs: The EPA issues standards for the Maximum Achievable Control Technology (MACT) for various sources of hazardous air pollutants. EPA will shortly issue new MACT standards for mercury and other emissions from industrial boilers and incinerators, and separate standards for new electric generating units.

NAAQS: The EPA is preparing to issue or propose new, tighter National Ambient Air Quality Standards (NAAQS) for ground-level ozone and for fine particulate matter (PM 2.5).

Tier 3 Vehicle and Sulfur Rules: The EPA is considering a set of rules, called the Tier 3 rules, that would reduce the permissible content of sulfur and certain other pollutants in gasoline, and regulate emissions of these pollutants from new motor vehicles and engines.

Cross-State Air Pollution Rule: This was a major rule issued in August 2011 regarding sulfur dioxide and nitrogen oxides pollution from stationary sources in the eastern and Midwestern states. The D.C. Circuit invalidated the rule in August, leaving in effect the Clean Air Interstate Rule, which that court had ruled invalid (but left in place) in 2008. EPA is seeking en banc review of the new decision; if EPA does not prevail here, it will need to go back to the drawing board with these rules.

New Source Performance Standards: The EPA is developing or revising NSPSs for several industrial sectors.

Water

Hydraulic fracturing: The EPA is conducting a major study of the practice of hydraulic fracturing, in view of the concerns that have been expressed over its impacts on water pollution, air pollution, and other areas. A draft report is expected in 2013; if the report finds that hydraulic fracturing leads to significant methane emissions, the EPA restrictions on those emissions could follow. During the campaign President Obama repeatedly expressed his support for this practice, but the

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EPA is preparing rules that will regulate it.

Cooling Water Intake Structures: The EPA will take final action on this proposed rule under Section 316(b) of the Clean Water Act by July 2013.

Concentrated Animal Feeding Operations (CAFOs): The EPA is revising its rules to expand the universe of regulated CAFOs and to provide more stringent permitting requirements for applications of waste and produced water. The revision is expected in May 2013.

Wetlands: Recent Supreme Court decisions have led to great confusion about the extent of federal authority over isolated waters, intermittent streams and certain other areas. The EPA and the Corps of Engineers have been working on guidance to clarify what land and are not federally regulated.

Hazardous and Solid Waste

Coal ash: Coal-fired power plants generate large quantities of coal ash. For many years there has been ambiguity about the status of this ash under the Resource Conservation and Recovery Act (RCRA). In June 2010, the EPA proposed several possible approaches; under one of them, coal ash would become a “special waste” under RCRA, which would subject it to extremely expensive handling requirements. This became quite controversial. The EPA sent the new coal ash standard to the Office of Management and Budget for regulatory review in March. In October the EPA announced that due to new data and the subsequent need to complete revisions of toxicity characteristics and toxicity characteristic leaching procedure regulations, October 2013 is the earliest the standards will be ready.

About the Author

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Michael B. Gerrard is Andrew Sabin Professor of Professional Practice and Director of the Center for Climate Change Law at Columbia Law School, and Senior Counsel to Arnold & Porter LLP. His latest book is *The Law of Adaptation to Climate Change: U.S. and International Aspects* (edited with Katrina Fischer Kuh), published by the American Bar Association in September 2012.

Previous Technology: The patent as a sword? No kidding!

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**A sampling of editorials from around New York
NewsOK.com (Oklahoman) - Online**

11/21/2012

ALBANY, N.Y. (AP) — The New York Post on Gov. Andrew Cuomo's latest comments on hydraulic fracturing.

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Gas drilling presents Obama with historic choices Times Leader - Online

11/21/2012

FILE - In this July 27, 2011 file photo, Range Resources site manager Don Robinson stands near the well head by the drill that goes into the shale at a well site in Washington, Pa. Energy companies and environmental groups are both wondering how President Barack Obama's reelection will impact the boom in shale natural gas drilling. (AP Photo/Keith Srakocic, File)

(AP) Energy companies, environmental groups, and even Hollywood stars are watching to see what decisions President Barack Obama makes about regulating or promoting natural gas drilling.

The stakes are huge. Business leaders don't want government regulations to slow the flow of hundreds of billions of dollars of clean, cheap domestic energy over the next few decades. Environmental groups see that same tide as a potential threat, not just to air and water, but to renewable energy. And on a strategic level, diplomats envision a future when natural gas helps make the U.S. less beholden to imports.

Some say the unexpected drilling boom presents historic options and risks for the Obama administration.

"It's a tough choice. The president is in a real bind," said Charles Ebinger, director of the energy security initiative at the Brookings Institution, a Washington, D.C., nonprofit. "I think the question is what does he want his legacy to be?"

Ebinger said that if Obama fully embraced the boom in gas drilling the nation could see "incredible" job gains that could lead to "a re-industrialization of America." Possibilities like that are tempting to any president, and perhaps even more so in the current economy.

"But really embracing this stuff is going to bring him squarely in conflict with some of his environmental supporters. It's not without some possible peril, particularly if he gets to be seen too cozy with the oil and gas folks," Ebinger said.

Hydraulic fracturing, or fracking, has made it possible to tap into deep reserves of oil and gas but has also raised concerns about pollution. Large volumes of water, along with sand and hazardous chemicals, are injected underground to break rock apart and free the oil and gas.

Environmental groups and some scientists say there hasn't been enough research on water and air pollution issues. The industry and many federal and state officials say the practice is safe when done properly, and that many rules on air pollution and disclosure of the chemicals used in fracking are being strengthened.

The Sierra Club is already trying to slow the gas rush, which began in Texas and has expanded to Pennsylvania, Colorado and other states. It's started a nationwide "Beyond Natural Gas" campaign to push for more regulation on an industry it describes as "Dirty, Dangerous and Run Amok."

"We need to avoid replacing one set of problems with a new but very different set of problems," said Michael Brune, the Sierra Club's executive director, referring to coal and natural gas. Investing in green energy makes more economic and environmental sense, he said.

The Sierra Club knows natural gas will be a part of the nation's energy future. "How much a part is a big fight right now," Brune said.

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Such arguments have resonated with many environmental groups, and with actors and musicians who are lending their star power to anti-drilling efforts.

The Hollywood film *Promised Land* is scheduled for release in December, starring Matt Damon, with a story line about drilling from best-selling novelist Dave Eggers. But even before its release, critics pounced on the fact that some financing for the project came from a company in the United Arab Emirates a country that stands to lose money if the U.S. gets more of its energy needs at home.

Brune agreed that "you have to acknowledge that there are benefits to home-grown energy."

Critics say many states haven't been tough enough on the industry, which has objected to the idea of national drilling regulations. Some state officials oppose such proposals, too.

"Yes, we are concerned," said Patrick Henderson, energy executive for Pa. Gov. Tom Corbett. "Upwards of 10 federal agencies are seeking to put their proverbial nose under the tent with regard to oil and gas development." He added that federal intrusion "is a surefire way to impede job growth. We'll be vigilant of proposed federal rulemakings."

The U.S. Environmental Protection Agency is conducting one major national review of drilling and potential drinking water impacts, but it won't be finished until 2014.

Jack Gerard, president of the American Petroleum Institute, which lobbies for the industry in Washington, is hoping Obama's campaign rhetoric doesn't change.

"He has evolved on the oil and the gas issue, and today, he gives it a full-throated endorsement in terms of the need to produce it to create jobs, get our economy back on track," Gerard said in a postelection conference call.

Most experts agree that Obama faces four big choices about the gas boom: whether to back nationwide EPA rules; whether to keep pressuring coal-fired power plants to reduce emissions (which benefits gas as an alternative fuel); whether to allow large-scale exports of liquefied natural gas; and whether to support a national push to use compressed gas in commercial vehicles.

One expert in Texas predicted that Obama won't go to extremes.

"I don't think the administration will do anything to halt development," said Kenneth Medlock III, a professor at Rice University's Center for Energy Studies in Houston, adding that there will be "some attempts" to move regulations into federal hands.

Medlock expects Obama to keep the pressure on the coal industry, but go slowly on the natural gas export issue. The industry says exports have the potential to be highly profitable, but some members of Congress fear exports will just drive up domestic prices, depriving consumers and other industries of the benefits of cheap natural gas.

Others see an opportunity for the president to stake out a middle ground.

"A lot of the industry guys are pretty shaken by the anti-fracking movement," said Michael Shellenberger, president of the Breakthrough Institute, an Oakland nonprofit that promotes new ways to address environmental issues. "That might make them a bit more open to regulatory oversight."

Shellenberger said natural gas could also be a "big opportunity" for Obama as part of a broader campaign to address greenhouse gas emissions.

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Ebinger agreed, saying that "if we really pushed tax credits to get diesel out of long-distance trucks" that could lead to massive carbon dioxide reductions. But at some point, Obama will have to make tough decisions. "I don't think the president can punt this one," he said.

Whatever Obama does, "it will definitely drive a bunch of people crazy" in the environmental community, Shellenberger said.

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Good Gas, Bad Gas National Geographic Magazine

11/21/2012

Burn natural gas and it warms your house. But let it leak, from fracked wells or the melting Arctic, and it warms the whole planet.

By Marianne Lavelle

Photograph by Mark Thiessen

The last rays of sun filter through the snow-covered spruces along the shore of Goldstream Lake, just outside Fairbanks, Alaska. Out on the lake Katey Walter Anthony stares at the black ice beneath her feet and at the white bubbles trapped inside it. Large and small, in layer upon layer, they spread out in every direction, like stars in the night sky. Walter Anthony, an ecologist at the University of Alaska Fairbanks, grabs a heavy ice pick and wraps the rope handle around her wrist. A graduate student holds a lighted match above a large bubble; Walter Anthony plunges the pick into it.

Gas rushing from the hole ignites with a whoomp that staggers her. "My job's the worst, because usually you catch on fire," she says, smiling. In the gathering twilight she and her team ignite one bubble after another.

The flames confirm that the bubbles are methane, the main component of natural gas. By counting and measuring them, Walter Anthony is trying to gauge how much methane is rising from Goldstream Lake—and from the millions of similar lakes that now occupy nearly a third of the Arctic region. The Arctic has warmed much faster than the rest of the planet in recent decades, and as the permafrost has melted, old lakes have grown and new ones have formed. Methane bubbles from their muddy depths in a way that is hard to quantify—until the first clear ice of fall captures a snapshot of the emissions from an entire lake.

Sometimes as Walter Anthony walks that ice, in Alaska, Greenland, or Siberia, a stamp of her boot is enough to release an audible sigh. Some lakes, she says, have "hot spots" where the methane bubbling is so strong that ice never forms, leaving open holes big enough to spot from an airplane. "It could be 10 or 30 liters of methane per day from one little hole, and it does that all year," she says. "And then you realize there are hundreds of spots like that and millions of lakes." By venting methane into the atmosphere, the lakes are amplifying the global warming that created them: Methane is a potent greenhouse gas. Carbon dioxide is the main one, because the atmosphere holds 200 times as much of it. But a given amount of methane traps at least 25 times as much heat—unless you burn it first. Then it enters the atmosphere as CO₂.

That's the other side of this Jekyll-and-Hyde story: A lot of methane is being burned these days. In the past decade the technology called hydraulic fracturing, "fracking" for short, has enabled drillers in the United States to extract natural gas from deeply buried shales they couldn't tap before. Natural gas supplies have surged; prices have plummeted. Fracking is now spreading around the world, and it's controversial. The gas boom has degraded landscapes and polluted water. But it has also had environmental benefits. Natural gas burns much cleaner than coal. In part because American power plants have been switching from coal to cheap gas, U.S. emissions of CO₂ from fossil fuels fell last year, even as the world set another record.

The catch is, methane emissions are rising. What's coming out of Arctic lakes is troubling, Walter Anthony says, because some of it seems to be coming not from bottom mud but from deeper geologic reservoirs that had hitherto been securely capped by permafrost—and that contain hundreds of times more methane than is in the atmosphere now. Still, most methane emissions today come from lower latitudes, and most are related more directly to human activities. A growing amount seems to be leaking, for instance, from gas wells and pipelines. Just how warm Earth gets this century will hinge in part on how we balance the good and bad of methane—on how much of it we capture and burn, and how much we

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inadvertently let loose.

Methane is the simplest hydrocarbon—a single carbon atom surrounded by four hydrogen atoms. It usually forms when larger organic molecules are broken down, either by microbes or by heat. The microbes produce it when they eat dead plant matter in wet, oxygen-poor environments. They're the source of the methane bubbling up from Goldstream Lake; from swamps and marshes all over; from human-made rice fields, landfills, and manure lagoons; and from the stomachs of cows and other ruminants. Termites emit a lot of methane too.

Most of the natural gas we tap for fuel, however, was formed not by microbes but by heat and pressure deep underground—as oil and coal were, and often in the same places. In coal mines methane is an explosion hazard; in oil fields it was long considered a nuisance to be burned off or, worse, vented directly into the atmosphere. Liquid oil was more valuable as fuel and much easier to transport to markets. Then pipelines built during the post-World War II construction boom made gas more transportable. The energy industry began to exploit massive natural gas reservoirs in places like Russia, Qatar, and Iran.

The United States produces the bulk of its own gas, but U.S. production peaked in 1973. By 2005 the country seemed to be running short, and the industry was building expensive new tanker terminals to import liquefied natural gas. The fracking boom changed that. Since 2005 gas production from deep shales has increased more than tenfold; it now accounts for more than a third of total production, which last year surpassed the 1973 record. Within a decade, according to a Department of Energy (DOE) forecast, the U.S. will become a net exporter of gas.

Estimates of how much gas is locked up in shales and how long the boom can last have varied widely. In 2011 DOE put the amount of “unproved resources” of shale gas at 827 trillion cubic feet; in 2012 it cut that estimate by more than 40 percent. Production from fracked wells has declined faster than DOE analysts had expected. So some critics believe the boom is a bubble that will soon burst. But DOE still projects that U.S. gas production will rise rapidly and that shale gas will make up half the total by 2035.

And deep shales are not the last methane source. DOE and the industry are trying to figure out how to tap the largest one of all—the methane hydrates that lie frozen under vast areas of seafloor and Arctic permafrost. Worldwide, hydrates may contain more energy than all other fossil fuels combined. They're usually snow-white and look like ice, but they're strange stuff, and extracting the methane is tricky. Each molecule is trapped in a cage of water molecules that's stable only at high pressure and low temperatures; change either just a bit, and the cage crumbles. The escaping methane balloons in volume by a factor of 164.

Oil companies working on continental margins have to take care that extracting oil through an overlying hydrate layer does not disrupt it and perhaps damage the well. Climate scientists worry that global warming could destabilize hydrate layers, on land or at sea, triggering a massive methane release that would amplify the warming. A few scientists take seriously a catastrophic scenario in which the release happens rapidly, within a human lifetime, and the planet's temperature spikes.

The atmospheric methane concentration has risen nearly 160 percent since preindustrial times, to 1.8 parts per million. For a few years, from 1999 to about 2006, it seemed to level off. Some researchers credit Asian rice farmers, who began draining their paddies during the growing season to conserve water—which reduced methane emissions as well. Another theory credits the oil industry, which started capturing and selling methane it used to simply vent. Since 2006, though, atmospheric methane has been rising again. Many observers believe it's no coincidence that the number of wells punched into deep shales has been soaring too.

The largest U.S. shale formation, the Marcellus, lies about a mile under the Appalachian Mountains, in an arc that runs from West Virginia to New York through Ohio and Pennsylvania. The Pennsylvania stretch is pretty country: rolling hills and pastures and, in the northwest, the forests of the Pennsylvania Wilds, which boast some 2,000 trout streams and one

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of the darkest night skies in the East.

These days tank trucks, sand haulers, flatbeds stacked with pipe, and cement mixers rumble continually over the winding two-lane roads. Here and there in patches cut from forest or farm are flattened, four-acre mounds of fresh dirt. For a few weeks at a time tall derricks rise from these drill pads, and the trucks and trailers congregate around them. Contaminated water from the new wells pours into tank trucks or into lagoons lined with dark plastic. The derricks soon disappear, but the wells stay, connected by clusters of green pipes and valves to permanent new pipelines, condensate tanks, and compressor stations. Much of Pennsylvania has been transformed since 2008.

The boom's roots go back to the 1980s and to Texas, where a wildcatter named George Mitchell, facing dwindling reserves, began probing the Barnett Shale near Dallas. Black shales, the compressed mud of ancient seas, were known as petroleum source rocks. But over geologic time much of the oil and gas had migrated out of the shales into porous sandstone traps—and that's where the industry sank its wells. Wells ending in shale never yielded much; the shales were too dense and impermeable to allow gas to flow.

Mitchell Energy's workaround, developed over 20 years with support from DOE, became the recipe for the fracking boom. It has two parts. First, drill down to the shale, then continue drilling horizontally for a mile or so inside it; that puts more gas close to the well. Second, inject millions of gallons of water, chemical lubricants, and sand at high pressure to shatter the shale, allowing methane to rush into the well.

The gas from fracked wells has benefited consumers; 55 percent of the homes in the U.S. have gas heat, and prices last winter reached a ten-year low. In Pennsylvania the boom has revived businesses; created some 18,000 jobs, by the state's reckoning; and paid millions of dollars in lease-signing bonuses and royalties. However, some landowners who leased their land to gas companies have since had second thoughts.

Sherry Vargson is one. In 2008 Chesapeake Energy began drilling on her family's 197-acre dairy farm in Granville Summit, in northeastern Pennsylvania. In June 2010, after a crew had been working on the well, Vargson turned on her kitchen tap to find it backed up with what she thought was air. "It was like drawing a glass of Alka-Seltzer, very sizzly and bubbly," she recalls. Testing showed the water contained more than twice the methane that's considered an explosion threat. Chesapeake has been supplying her with bottled water ever since, while arguing that the contamination is natural. Meanwhile Vargson's monthly royalty checks have shrunk from more than \$1,000 to less than \$100, as production from the gas well has plummeted.

The industry's main argument in attempting to reassure a worried public in Pennsylvania and elsewhere has been that shales typically lie thousands of feet below drinking-water aquifers. So contamination, whether by shale gas or fracking wastewater—which contains fracking chemicals, salt, heavy metals, and radioactive elements leached from the rock—should be physically impossible. The argument makes intuitive sense, but the jury is still out. Duke University scientists have recently reported evidence that fluids—albeit not fracking fluids—have migrated upward from the Marcellus Shale through natural fissures.

In an earlier study the Duke researchers sampled 60 private water wells in northeastern Pennsylvania and found no sign of fracking fluids. But they did find that methane levels were on average 17 times higher in wells near drilling sites and that some of the methane had the chemical signature of shale gas. It may have leaked into the shallow aquifers, they said, through faulty casings around the gas wells. The Pennsylvania Department of Environmental Protection (DEP) also blamed faulty casings in 2009 when it fined Cabot Oil & Gas for contaminating the drinking supplies of 19 homes in Dimock Township, 60 miles east of the Vargson farm. In that case the methane came not from the shale but from shallow deposits traversed by the gas wells. DEP has also fined gas companies for mishandling fracking wastewater and allowing spills that polluted creeks and rivers.

In Pennsylvania and elsewhere, shale-gas drilling has raced far ahead of efforts to understand and limit its impact. So far,

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however, its impact seems much smaller than that of coal mining—which in Pennsylvania has caused far worse river pollution, in West Virginia has lopped the tops off numerous mountains, and in the U.S. still kills hundreds of miners a year, mostly through black lung disease. The comparison is relevant because cheap natural gas is reducing coal burning. As recently as 2007, coal generated nearly half of U.S. electricity. Last March its share fell to 34 percent.

John Hanger, a Pennsylvania lawyer who helped author the state's renewable-energy standards, ran the DEP from 2008 to early 2011. Though he tightened regulations on the gas industry and handed out substantial fines, he was attacked by opponents who wanted a complete halt to fracking. Hanger believes such critics are missing the big picture. "The massive switching from coal to gas has done more to clean Pennsylvania's air, and America's air, than probably any other single thing we've ever done," he says.

Unlike coal, natural gas burns without spewing sulfur dioxide, mercury, or particulates into the air or leaving ash behind. And it emits only half as much carbon dioxide. The greenhouse gas inventory compiled by the U.S. Environmental Protection Agency (EPA) shows that the nation's CO₂ emissions in 2010 were lower than in 2005 by just over 400 million metric tons, or 7 percent. (Preliminary data for 2011 indicate a further decrease.) Reduced emissions from power plants, mostly because many have switched from coal to gas, accounted for a bit over a third of that.

Some environmentalists who once welcomed shale gas with precisely that expectation changed their minds after watching the boom in Pennsylvania. But Hanger hopes it spreads around the world, as it seems likely to. "In China they're sitting on potentially huge supplies of shale gas," he says. "It would be an enormous climate benefit if China were to substitute gas for some of its coal burning. And it's an immediate benefit—you don't have to wait until 2040 or 2050."

Unless too much methane leaks into the atmosphere. As U.S. CO₂ emissions fell between 2005 and 2010, methane emissions rose. By 2010, EPA says, the rise was equivalent in global warming potential to around 40 million metric tons of CO₂ annually, which means it offset 10 percent of the CO₂ decline. More than half of that methane increase, says EPA, came from the natural gas industry—the country's biggest emitter.

Judging by EPA's numbers, fracking still seems like a clear win for the climate. But some scientists, notably Robert Howarth and his coworkers at Cornell University, believe EPA has underestimated methane emissions and, more important, the global warming potential of each methane molecule. They argue that methane leaking from wells, pipes, compressors, and storage tanks actually makes shale gas worse for the climate than coal. Other researchers question Howarth's approach. The debate persists in part because methane numbers are so uncertain.

New rules issued by EPA this year will require the gas industry to measure its emissions and also to reduce them. One of the biggest leaks occurs when a fracked well is completed and high-pressure fracking fluids surge back up the well, bringing methane with them. The new rules will require gas companies to start capturing that methane by 2015, using technology that's already required in Wyoming, Colorado, and parts of Texas.

Some experts consider methane capture a great opportunity: an easier way than controlling CO₂ to slow global warming, at least in the short term, because small amounts of methane make a big difference and because it's a valuable fuel. China, for instance, the world's largest coal producer, vents huge amounts of methane from its mines to prevent explosions. In the 1990s, when Egyptian geologist Mohamed El-Ashry headed the Global Environment Facility, an agency created by the United Nations and the World Bank, it devoted ten million dollars to projects that siphoned methane from several Chinese mines and delivered it as fuel to thousands of nearby households. Hundreds of such projects await funding worldwide, El-Ashry says.

Drew Shindell, a climate scientist at NASA's Goddard Institute for Space Studies, recently led a global team of scientists in analyzing seven methane-reduction strategies, from draining rice fields to capturing the gas that escapes from landfills and gas wells. Unlike CO₂, methane affects human health, because it's a precursor of smog. When health impacts are included, Shindell's group found, the benefits of methane controls outweigh the costs by at least 3 to 1, and in some

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cases by as much as 20 to 1.

"There are some sources that are difficult, if not impossible, to control," says Shindell. "The Arctic emissions—I'd probably vote those as being near impossible. But then you have long-distance gas pipelines, and we know exactly how to control leaks from those: put in and maintain high-quality seals. And there are other places, especially in oil, gas, and coal production. It's really straightforward to get a substantial fraction of methane emissions under control."

Last spring, as the annual thaw began in Alaska, Katey Walter Anthony heard from her friend Bill Wetzen, who owns Goldstream Lake and sometimes brings her coffee out on the ice. When Wetzen bought the property 20 years ago, he built his bungalow about 20 yards from the lake; by last year it was nearly at the water's edge. Now, Wetzen said, with the permafrost thawing beneath it, the walls and floors were tearing apart. He was going to have to move.

Also last spring, DOE-funded researchers on Alaska's North Slope successfully tested a method of extracting methane from buried hydrates. Though the process "may take years" to become economically viable, said the DOE press release, "the same could be said of the early shale gas research ... that the Department backed in the 1970s and 1980s." If even a small fraction of methane hydrates becomes recoverable, DOE estimates, that could double U.S. gas resources.

Some of the methane bubbling from Arctic lakes, Walter Anthony says, might come from hydrates. Around 56 million years ago, in the Paleocene, a long planetary warming culminated in a sudden temperature spike of 9°F; many scientists suspect a massive destabilization of methane hydrates. Most, including Walter Anthony, do not think such a catastrophe is likely now. But Arctic methane could add a lot to global warming over the next few centuries.

"If we could only capture it, it would make a great energy source," Walter Anthony says.

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Ontario won't allow fracking without proof it's safe: McGuinty
Canadianmanufacturing.com

11/21/2012

Controversial oil extraction practice said to have damning effects on groundwater.

TORONTO—Ontario premier Dalton McGuinty says the province needs scientific proof that hydraulic fracturing is safe before it allows energy companies to use the controversial practice to extract natural gas.

No private companies have approached the province to request permission to frack, which involves the use of high-pressure, chemically-treated water in drill holes to fracture underground shale and release gas or oil.

"We're going to have to take a look at the latest evidence associated with fracking, the risks. There have been some experts who've written about the risks associated with water," said McGuinty. "I think we'd have to take a long hard look at the scientific evidence before we'd give a thumbs-up or a thumbs-down, but at this point in time, it's purely academic."

The New Democrats shared McGuinty's concerns about negative environmental impacts from fracking, especially on drinking water.

"We've been watching what's been happening across the country and across North America on the fracking issue, and one of the things we're obviously concerned about is making sure that water tables are safe, making sure that the process doesn't threaten other important environmental considerations," said NDP Leader Andrea Horwath.

However, the Progressive Conservatives said they were "very optimistic" about the jobs that could be created if fracking were approved in Ontario.

"There's 100 years of affordable energy that can come from it," said PC energy critic Vic Fedeli. "We're very encouraged by it and everything we've seen to this point, from all the engineers and experts, talks about the safety and the environmental safety of it."

Opponents of fracking said companies including Mooncor Oil and Gas and Dundee Energy are buying up land in southwestern Ontario, especially the Kettle Point area on Lake Huron, that could be used for fracking.

"Mooncor has not announced any plans to frack in Ontario," company spokesman Nick Tsimidis said in an email Tuesday. Dundee Energy did not immediately reply to requests for an interview.

The Council of Canadians opposes fracking, and wants Ontario to follow Quebec's lead and impose a moratorium on the practice. It warns fracking in Ontario could have serious long-term and cumulative impacts on the Great Lakes.

Quebec has a moratorium on fracking and all oil and gas exploration activities under the Saint Lawrence River, but other provinces, including BC, Alberta and Saskatchewan, allow fracking.

At least 175,000 wells have been fracked in Canada, the majority of them in Alberta.

Nova Scotia had some fracking operations in 2007-08, but the NDP government has said it won't approve any more hydraulic fracturing until a review of the process is completed in 2014.

A report done for the New Brunswick government, released in October, said the province should proceed with shale gas

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exploration but with a phased-in approach that would limit it to one to three sites to allow for research and development.

The BC Oil and Gas Commission said in September that a spate of small earthquakes in the province's northeastern corner were caused by fracking in the Horn River Basin, a gas-rich shale formation that's attracted some of the industry's biggest players. The 38 quakes ranged between magnitudes of 2.2 and 3.8 on the Richter scale.

Last December, the US Environmental Protection Agency, for the first time, implicated fracking in causing ground water pollution. The EPA announced it found compounds likely associated with fracking chemicals in the groundwater beneath a Wyoming community where residents say their well water reeked of chemicals.

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EPA?fracking study offers end to noise, foes'propaganda Salem News

11/21/2012

Americans have been drilling wells for oil and gas for more than a century and a half. Hydraulic fracturing - or fracking - has been in use to augment well production for decades.

Yet it has been only during the past few years that a gusher of propaganda about fracking has surfaced. Incredibly, some public officials, such as those in New York state, have allowed it to dictate policy.

What about the facts on fracking and other oil and gas industry practices? A variety of studies indicate there is little or no danger of groundwater being contaminated by chemicals used in fracking, as the industry points out.

Nevertheless, the Environmental Protection Agency has launched a comprehensive study of fracking. Last week, EPA official George Paulson said a progress report on the study should be released by the end of this year. A final report is due in 2014, he added.

Good. The EPA's progress report should give scientists, the gas and oil industry, and those worried about fracking opportunities to check the agency's methodology. EPA officials, sometimes accused of bowing to the demands of radical environmentalists rather than basing policy on science, should welcome the oversight.

There indeed are some valid concerns about fracking, primarily involving well casings used to keep chemicals out of groundwater. But rejecting the practice altogether, in view of what appears to be an excellent environmental record, makes no sense. The EPA study should provide solid, science-based guidance that will safeguard the environment while allowing Americans to get at the gigantic supplies of natural gas underneath our feet.

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**U.S. awaits natural gas drilling decision
Columbia Daily Tribune - Online**

11/21/2012

Obama's stance could be pivotal.

PITTSBURGH (AP) — Energy companies, environmental groups and even Hollywood stars are watching to see what decisions President Barack Obama makes about regulating or promoting natural gas drilling.

Business leaders don't want government regulations to slow the flow of hundreds of billions of dollars of clean, cheap domestic energy over the next few decades. Environmental groups see that same tide as a potential threat, not just to air and water, but to renewable energy. And on a strategic level, diplomats envision a future when natural gas helps make the United States less beholden to imports.

Some say the unexpected drilling boom presents historic options — and risks — for the Obama administration.

"It's a tough choice. The president is in a real bind," said Charles Ebinger, director of the energy security initiative at the Brookings Institution, a Washington, D.C., not-for-profit. "I think the question is: What does he want his legacy to be?"

Ebinger said that if Obama fully embraced the boom in gas drilling, the nation could see "incredible" job gains that could lead to "a re-industrialization of America." Possibilities like that are tempting to any president and perhaps even more so in the current economy.

"But really embracing this stuff is going to bring him squarely in conflict with some of his environmental supporters. It's not without some possible peril, particularly if he gets to be seen too cozy with the oil and gas folks," Ebinger said.

Hydraulic fracturing, or fracking, has made it possible to tap into deep reserves of oil and gas but has also raised concerns about pollution. Large volumes of water, along with sand and hazardous chemicals, are injected underground to break rock apart and free the oil and gas.

Environmental groups and some scientists say there hasn't been enough research on water and air pollution issues. The industry and many federal and state officials say the practice is safe when done properly.

The Sierra Club is already trying to slow the gas rush, which began in Texas and has expanded to Pennsylvania, Colorado and other states. It's started a nationwide "Beyond Natural Gas" campaign to push for more regulation on an industry it describes as "Dirty, Dangerous and Run Amok."

"We need to avoid replacing one set of problems with a new but very different set of problems," said Michael Brune, the Sierra Club's executive director. Investing in green energy makes more economic and environmental sense, he said.

The Sierra Club knows natural gas will be a part of the nation's energy future. "How much a part is a big fight right now," Brune said.

Such arguments have resonated with many environmental groups and with actors and musicians lending their star power to anti-drilling efforts.

The Hollywood film *Promised Land* is scheduled for release in December, starring Matt Damon, with a story line about drilling from best-selling novelist Dave Eggers. But even before its release, critics pounced on the fact some financing for

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the project came from the United Arab Emirates — a country that stands to lose money if the United States gets more of its energy needs at home.

Critics say many states haven't been tough enough on the industry, which has objected to the idea of national drilling regulations. Some state officials oppose such proposals, too.

"Yes, we are concerned," said Patrick Henderson, energy executive for Pennsylvania Gov. Tom Corbett. "Upwards of 10 federal agencies are seeking to put their proverbial nose under the tent with regard to oil and gas development." He added that federal intrusion "is a surefire way to impede job growth. We'll be vigilant of proposed federal rulemakings."

The U.S. Environmental Protection Agency is conducting a national review of drilling and potential drinking water impacts, but it won't be finished until 2014.

Jack Gerard, president of the American Petroleum Institute, which lobbies for the industry in Washington, is hoping Obama's campaign rhetoric doesn't change.

"He has evolved on the oil and the gas issue, and today, he gives it a full-throated endorsement in terms of the need to produce it to create jobs, get our economy back on track," Gerard said in a postelection conference call.

Most experts agree Obama faces four big choices about the gas boom: whether to back nationwide EPA rules; whether to keep pressuring coal-fired power plants to reduce emissions, which benefits gas as an alternative fuel; whether to allow large-scale exports of liquefied natural gas; and whether to support a national push to use compressed gas in commercial vehicles.

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Federal dollars fuel boom- September 24, 2012 12:05 p.m.

U.S. carbon dioxide emissions plummet- August 17, 2012 12:35 p.m.

Rules require divulging of chemical list- May 5, 2012 2 a.m.

Deep-water ban cuts into shallow drilling- September 14, 2010 1:06 p.m.

EPA takes new look at drilling issues- July 21, 2010 2 p.m.

Columbia Daily Tribune

U.S. awaits natural gas drilling decision

Obama's stance could be pivotal.

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Loophole Lets Toxic Oil Water Flow Over Indian Land Diane Rehm Show - WAMU-FM

11/21/2012

Jump to Navigation

The air reeks so strongly of rotten eggs that tribal leader Wes Martel hesitates to get out of the car at an oil field on the Wind River Reservation in Wyoming. He already has a headache from the fumes he smelled at another oil field.

Martel is giving me a tour of one of a dozen oil and gas fields on the reservation. These operations have the federal government's permission to dump wastewater on the land - so much that it creates streams that flow into natural creeks and rivers. And this water contains toxic chemicals, including known carcinogens and radioactive material, according to documents obtained by NPR through Freedom of Information Act requests.

The fumes hitting Martel's nose are hydrogen sulfide, which can be deadly. So Martel makes sure the wind is at his back before walking over to a pit the size of several tennis courts. Pipes are emptying dirty brown water that came up from oil wells into the pit, which is completely covered in goopy black oil.

The oil is supposed to float to the surface, and then a truck will vacuum it up. Any solid stuff should fall on the bottom of the pit, before the water rushes out and forms a stream. But there are still chemicals in the water - some from the earth, some from the oil, and some the companies add to make the oil flow faster.

About a half-mile from the pit, Martel stops the car on a bridge over that stream of murky gray water. A shiny film covers the water in some places.

"I wish a lot of people could see this," says Martel, the vice chairman of the Eastern Shoshone Business Council, the tribal government. "This is something that's going on in the reservation: This don't look too cool."

In most of the country, this would be illegal. Most oil fields reinject wastewater far underground, where it cannot cause harm.

So why is this wastewater being released into a desert wilderness of sagebrush-covered foothills and sandstone cliffs that blaze with reds and oranges?

The few cows grazing nearby provide a clue.

"You can see the tracks into the water here," says Martel. "This is one of their watering holes."

Inside EPA, Distress Over Dumping Loophole

Without the wastewater, this area would be bone dry most of the year.

In the 1970s, when the Environmental Protection Agency was banning oil companies from dumping their wastewater, ranchers, especially in Wyoming, made a fuss. They argued that their livestock needs water, even dirty water.

So the EPA made an exception, a loophole, for the arid West. If oil companies demonstrate that ranchers or wildlife use the water, the companies can release it.

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Off the reservation, Western states get to decide what oil companies must do with wastewater; over time, states' rules have become stricter than the EPA's. Some states have all but outlawed dumping.

But on the Wind River Reservation, the EPA controls whether companies can release wastewater on a case-by-case basis.

The EPA refused multiple requests for interviews, but in a statement, the agency said it was evaluating the permits it gives some of the companies to expel this water on the reservation.

"EPA is reviewing new information associated with these permits and intends to meet with the Tribes in upcoming weeks to discuss next steps," the statement reads.

The responses to NPR's two Freedom of Information Act requests include emails between staffers, correspondence with the companies, results of water-quality tests, the permits, and documents justifying each permit. Most of this information had not been public before.

The documents show hints of mutiny inside the EPA. Some EPA staffers clearly are appalled by the wastewater releases.

One wrote in an email to colleagues: "Can we get together and discuss a strategic approach for sending our message of concern? I have attached pictures of this ridiculousness."

Another staffer warns that the chemicals in the water could have "irrevocable human health and environmental impacts."

The documents also show recent detective work that some EPA staffers did to try to figure out what chemicals companies are putting in the water. Their research reveals that some of the waste streams sometimes include chemicals from hydraulic fracturing, an engineering technique designed to increase the flow of wells. They also include chemicals whose warning labels clearly state "toxic to aquatic organisms," "prevent material from entering sewers or waterways," and warnings about cancer and birth defects at low levels.

The documents suggest that at least some people inside the EPA are advocating for stricter rules. But much of this debate has been kept secret. The EPA refused to give NPR 757 documents about the loophole, claiming they can be kept secret because they are between the EPA and its attorneys or among EPA staffers.

'We Should Know Better By Now'

Experts, including scientists at the U.S. Geological Survey, say it's very rare for oil field water to be released into drainages or streams because it nearly always contains harmful chemicals.

"It's a very uncommon situation in the United States and, I believe, most of the rest of the world," said John Veil, a retired wastewater expert at the Department of Energy's Argonne National Laboratory, who now works as a consultant.

In one analysis that Veil did for Argonne, he found that 98 percent of the water that companies pump up with oil is reinjected deep underground. Veil says it's usually far too salty to discharge.

Some scientists were alarmed when they learned about the oil field wastewater releases, especially given that it is happening on tribal land.

"I was shocked when I heard this," says Rob Jackson, a Duke University environmental scientist. "I was very surprised this was allowed. It's just something that we should know better by now. We should know that dumping our waste onto the surface of the ground is a bad solution."

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Other experts agreed that the chemicals in the water raise concerns. However, some scientists, including staffers from the U.S. Geological Survey, felt uncomfortable commenting for the record without doing their own testing.

Jackson reviewed many of the EPA documents released to NPR, including analyses of the chemicals in the wastewater streams and warning labels for some of the chemical treatments that companies add to the wells.

He stresses that they include hazardous air pollutants such as hydrochloric acid and naphthalene, and carcinogens like benzene and ethyl benzene.

"There are many things in this water that you don't want in the environment or in people's drinking water. You don't need to be a genius to know this is a bad idea," Jackson says.

He urges the EPA to consider the consequences of its policy and how it looks.

"Are we doing something on tribal lands we wouldn't allow somewhere else? I think that's something we have to be asking ourselves."

On The Reservation, Dead Ducklings, Dangerous Fumes

Outside the reservation, Western states decide how oil field waste is handled - and their rules are stricter than the EPA's. For instance, off the reservation, the state of Wyoming requires companies to inject wastewater deep underground and out of harm's way if they've added toxic chemicals to the wells. Other states have set tougher water quality standards that have nearly eliminated these releases.

On the Wind River Reservation, these oil field wastewater streams have flowed for several decades without attracting much interest, even from the tribes, according to Wes Martel and other officials of the two tribes that share the reservation, the Eastern Shoshoni and Northern Arapaho.

"Most of our elders were very trusting, very trusting people. They were glad they had the opportunity to get some revenue. Most of them were just thinking, 'We're being watched over, and things are being taken care of,'" says Martel, 65, who was in tribal government many years ago and was elected two years ago to return to government.

But in 2005, the Wind River Environmental Quality Commission sampled the water downstream of some of the oil fields. Researchers found toxic levels of some chemicals, stretches of streams that were lifeless, and streambeds splotched with black ooze, white crystals and purple growths. They recorded water temperatures as high as 125 degrees, and found dead ducklings, according to a draft report prepared by the tribes' environmental department.

During tours of four of the oil fields earlier this fall, I witnessed visible violations of the plain language of the permits that the EPA gave these companies to discharge wastewater. For instance, I saw streambeds covered in white crystals and rock-like formations below outfall pipes. The permits prohibit visible deposits in the receiving waters or shoreline. They also prohibit any visible foam or sheen - I saw both. At the wastewater discharge site at one oil field, company officials warned us to leave after a few minutes because of the danger of respiratory distress or death from hydrogen sulfide fumes.

The companies were reluctant to talk. One agreed to meet at its oil field on the reservation but backed out the night before. Others failed to return multiple phone calls. Houston-based Marathon Oil Corporation, which runs three oil fields on the reservation, agreed to an interview but refused to be recorded.

"As far as I know, there has never been concerns and opposition for the quality of the water that I'm aware about," says

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Bob Whisonant, Rocky Mountain operations manager for Marathon Oil, which has three oil fields on the reservation.

Whisonant stresses that the water from his oil fields meets EPA's requirements.

"We're really fortunate within Wyoming that the water is extremely fresh, very suitable for livestock and agriculture purposes. That's why we're able to discharge," Whisonant says.

But the EPA's permits, which are reissued every several years, tell a different story. Even the state of Wyoming, which is known to be pro-industry, questioned the fact that the EPA's requirements didn't seem to protect aquatic life. The EPA's response was that the tribes had not adopted their own water quality standards.

The EPA permits acknowledge that oil field water may not meet the agency's own water quality criteria.

The agency requires only minimal water testing at most of the oil fields, and it does not do its own testing to verify the companies' claims; nor does it sample water quality in the streams receiving the wastewater.

In 2007, the EPA required one company to test aquatic animals to see if they'd die in the water flowing from one oil field - it's a standard test of water quality known as whole effluent toxicity. The minnows and bugs in the sample died within an hour. The EPA asked the company to figure out what was killing the animals and propose remedies, but it let the company go on releasing the water for years. Five years later, the company, Marathon, says it is waiting for the EPA to OK a plan to lower high levels of sulfide in the water.

Wes Martel says he's been pushing the EPA to thoroughly study the wastewater and then require the companies to purify it or inject it underground.

He worries about water quality and wildlife - and about food safety, too. Oil field water abounds on the reservation, and the cows that graze there will eventually end up on dinner plates.

"So it really makes you wonder: What impacts is this having on not only aquatic life, but our wildlife?" Martel says.

"You've got to wonder, what types of chemicals are those beef retaining? And when that goes to the slaughterhouse, what's in your steak?"

Ranchers Still Want The Water

But Eastern Shoshone member Darwin Griebel, one of a handful of ranchers whose livestock use the oil field water, pooh-poohs Martel's concerns.

"Animals drink it. People aren't going to drink it. Hell with the quality of the water," says Griebel.

Griebel has known Martel for nearly 60 years, since they were in elementary school and slept over at each others' houses. But he says they don't agree on this issue.

Griebel says his cows haven't suffered health problems from drinking the water, and the impurities clear up after the streams have run for a while. (The tribes' water study backs up that idea: Concentrations of various harmful chemicals tend to decrease the farther you get from the oil fields.)

What's most concerning to Griebel is that the water has been crucial to his family's business for generations. Without it, he says: "There would be no water for the cows. There would be no water for the deer, the antelope. Nothing. It would put us out of business is what it would do."

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But Martel says that if the EPA does not put a stop to this, the tribes will step in.

If the oil companies say that reinjecting or cleaning the water would be so expensive that it would no longer be profitable to pump oil, Martel knows what his response will be: "Good riddance."

"We'll take it over ourselves and do it right," he says.

Martel dreams of putting tribal companies in charge of their oil fields. Then the tribes would get all the profits, instead of just the royalties the companies pay them. They'd also be able to protect water quality for future generations.

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**A sampling of editorials from around New York
WNCT-TV - Online**

11/21/2012

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By: |

Associated Press

Published: November 21, 2012 Updated: November 21, 2012 - 9:11 AM

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Nov. 21.

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That's what the public wants to know when it comes to this preposterous proposal. A 45 percent toll hike when tolls were supposed to have been eliminated in 1996, when the highway's original construction debt was paid is ridiculous. And so is the board meeting shuffle going on that has Luh so upset.

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From truckers to Unshackle Upstate, everyone wants to know what Thruway Authority officials are thinking, other than using the threat of a sky-high increase to ease the eventual blow of, say, a 35 percent increase. Who knows? The Cuomo administration hopes to raise \$90 million in additional revenue for the Thruway Authority. One theory is that it can then skip over to the bond market to help finance a \$5 billion Thruway bridge project over the Hudson River between Westchester and Rockland counties.

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Gas drilling decisions loom on political horizon Daily Herald - Online

11/21/2012

PITTSBURGH Energy companies, environmental groups, and even Hollywood stars are watching to see what decisions President Barack Obama makes about regulating or promoting natural gas drilling.

The stakes are huge. Business leaders don't want government regulations to slow the flow of hundreds of billions of dollars of clean, cheap domestic energy over the next few decades. Environmental groups see that same tide as a potential threat, not just to air and water, but to renewable energy. And on a strategic level, diplomats envision a future when natural gas helps make the U.S. less beholden to imports.

Some say the unexpected drilling boom presents historic options and risks for the Obama administration.

It's a tough choice. The president is in a real bind, said Charles Ebinger, director of the energy security initiative at the Brookings Institution, a Washington, D.C., nonprofit. I think the question is what does he want his legacy to be?

Ebinger said that if Obama fully embraced the boom in gas drilling the nation could see incredible job gains that could lead to a re-industrialization of America. Possibilities like that are tempting to any president, and perhaps even more so in the current economy.

But really embracing this stuff is going to bring him squarely in conflict with some of his environmental supporters. It's not without some possible peril, particularly if he gets to be seen too cozy with the oil and gas folks, Ebinger said.

Hydraulic fracturing, or fracking, has made it possible to tap into deep reserves of oil and gas but has also raised concerns about pollution. Large volumes of water, along with sand and hazardous chemicals, are injected underground to break rock apart and free the oil and gas.

Environmental groups and some scientists say there hasn't been enough research on water and air pollution issues. The industry and many federal and state officials say the practice is safe when done properly, and that many rules on air pollution and disclosure of the chemicals used in fracking are being strengthened.

The Sierra Club is already trying to slow the gas rush, which began in Texas and has expanded to Pennsylvania, Colorado and other states. It's started a nationwide Beyond Natural Gas campaign to push for more regulation on an industry it describes as Dirty, Dangerous and Run Amok.

We need to avoid replacing one set of problems with a new but very different set of problems, said Michael Brune, the Sierra Club's executive director, referring to coal and natural gas. Investing in green energy makes more economic and environmental sense, he said.

The Sierra Club knows natural gas will be a part of the nation's energy future. How much a part is a big fight right now, Brune said.

Such arguments have resonated with many environmental groups, and with actors and musicians who are lending their star power to anti-drilling efforts.

The Hollywood film Promised Land is scheduled for release in December, starring Matt Damon, with a story line about drilling from best-selling novelist Dave Eggers. But even before its release, critics pounced on the fact that some

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financing for the project came from a company in the United Arab Emirates — a country that stands to lose money if the U.S. gets more of its energy needs at home.

Brune agreed that you have to acknowledge that there are benefits to home-grown energy.

Critics say many states haven't been tough enough on the industry, which has objected to the idea of national drilling regulations. Some state officials oppose such proposals, too.

Yes, we are concerned, said Patrick Henderson, energy executive for Pa. Gov. Tom Corbett. Upwards of 10 federal agencies are seeking to put their proverbial nose under the tent with regard to oil and gas development. He added that federal intrusion is a surefire way to impede job growth. We'll be vigilant of proposed federal rulemakings.

The U.S. Environmental Protection Agency is conducting one major national review of drilling and potential drinking water impacts, but it won't be finished until 2014.

Jack Gerard, president of the American Petroleum Institute, which lobbies for the industry in Washington, is hoping Obama's campaign rhetoric doesn't change.

He has evolved on the oil and the gas issue, and today, he gives it a full-throated endorsement in terms of the need to produce it to create jobs, get our economy back on track, Gerard said in a postelection conference call.

Most experts agree that Obama faces four big choices about the gas boom: whether to back nationwide EPA rules; whether to keep pressuring coal-fired power plants to reduce emissions (which benefits gas as an alternative fuel); whether to allow large-scale exports of liquefied natural gas; and whether to support a national push to use compressed gas in commercial vehicles.

One expert in Texas predicted that Obama won't go to extremes.

I don't think the administration will do anything to halt development, said Kenneth Medlock III, a professor at Rice University's Center for Energy Studies in Houston, adding that there will be some attempts to move regulations into federal hands.

Medlock expects Obama to keep the pressure on the coal industry, but go slowly on the natural gas export issue. The industry says exports have the potential to be highly profitable, but some members of Congress fear exports will just drive up domestic prices, depriving consumers and other industries of the benefits of cheap natural gas.

Others see an opportunity for the president to stake out a middle ground.

A lot of the industry guys are pretty shaken by the anti-fracking movement, said Michael Shellenberger, president of the Breakthrough Institute, an Oakland nonprofit that promotes new ways to address environmental issues. That might make them a bit more open to regulatory oversight.

Shellenberger said natural gas could also be a big opportunity for Obama as part of a broader campaign to address greenhouse gas emissions.

Ebinger agreed, saying that if we really pushed tax credits to get diesel out of long-distance trucks that could lead to massive carbon dioxide reductions. But at some point, Obama will have to make tough decisions. I don't think the president can punt this one, he said.

Whatever Obama does, it will definitely drive a bunch of people crazy in the environmental community, Shellenberger

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said.

This article filed under

Business

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<http://bit.ly/QuAUyI>

The New York Times on the U.S. Supreme Court ruling on Michigan's affirmative action policies.

In a persuasive ruling last week, a majority of the United States Court of Appeals for the Sixth Circuit struck down Michigan's ban on race-conscious affirmative action policies. The ban violated the United States Constitution's equal protection clause by placing an unfair burden on racial minorities seeking to change those policies.

The ban, known as Proposal 2 and approved in a state referendum in 2006, amended the State Constitution to "prohibit all sex- and race-based preferences in public education, public employment, and public contracting."

The court's 8-to-7 decision focused not on admissions policies per se but on the fact that the process by which the ban was approved — the referendum leading to a constitutional amendment — would inevitably require people who wished to reverse it "to surmount more formidable obstacles than those faced by other groups to achieve their political objectives."

Writing for the majority, Judge R. Guy Cole Jr. argued that a black student seeking a race-conscious admissions policy would have to undertake the "long, expensive and arduous process" of amending the state constitution all over again. But students seeking to change other admissions policies — for example, to favor applicants whose relatives attended the school — could resort to a variety of readily available means, including lobbying the admissions committee or the university's leaders.

"The existence of such a comparative structural burden," Judge Cole wrote, "undermines the equal protection clause's guarantee that all citizens ought to have equal access to the tools of political change."

The result of the court's sound ruling is a level playing field, as the Constitution demands. But the issue may not be settled. The Ninth Circuit has upheld a California affirmative-action ban that was a model for Michigan's. With a conflict in the circuits on this issue, the Supreme Court may be persuaded it is ripe for review.

<http://nyti.ms/10ciDAV>

The Times Union of Albany on government's handling of post-Superstorm Sandy recovery efforts.

The devastation that remains from Superstorm Sandy can't be overstated. Two weeks after Sandy slammed into the Northeast, more than 50,000 homes and businesses remain without power. Early estimates put the damage in three states at \$50 billion.

The magnitude of the crisis demands that Gov. Andrew Cuomo, his counterparts in New Jersey and Connecticut, and Congress focus on the task at hand — relieving the very real human suffering and doing all they can to help the region recover. Tragedy would be compounded if they were to turn the issue of federal aid into an occasion for haggling or ideological posturing.

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There is ample precedent for us to worry about just that.

In 2001, following the 9/11 attack on the World Trade Center, then-Gov. George Pataki made an eye-popping \$54 billion request for federal aid. Mr. Pataki's request went far beyond what New York needed for that emergency. The governor larded on some \$20 billion for tax incentives to lure businesses to the state and pay for subways, light rail, roads and bridges statewide. A high-speed passenger rail service between Schenectady and Manhattan was on his list.

Even with the extraordinary sympathy for all New York City had endured, even with a fellow Republican in the White House, Washington balked at Mr. Pataki's opportunism, however well-intentioned it might have been for the benefit of his state.

Listen to how one observer put it:

"When he put (out) a plan for \$54 billion . and he had projects that were in no way connected to the recovery, they said, 'Here comes a local government that is looking to seize this situation for their own financial benefit,' and they recoiled."

That observer was a former U.S. secretary of Housing and Urban Development, Andrew Cuomo.

Now Mr. Cuomo is governor, with a bold request of his own: \$30 billion to cover the cost of Sandy. Not just 75 percent of the cost, as federal aid normally works. He wants it all covered.

If he's to make that case, the governor must remember his own political wisdom in 2001: no games. This is no time to slip pet projects onto the list, or tack on a little extra to make his 2013 budget easier. Washington has problems of its own.

As for Congress, this is not the time to get bogged down in another protracted debate over big government or the nation's debt, not when tens of thousands of Americans are suffering, many of them residents of a state already facing a deficit next year that is hardly in a position to handle this disaster on its own. Trying to score political points in such a crisis ought to be below even Washington's low bar.

If lawmakers really want to do something meaningful, they can start talking about how the nation will cope with what are expected to be more of these kinds of emergencies in the future. That starts, of course, with Republicans in particular acknowledging that a warming world, and human activity's contribution to it, is not some liberal myth, but the consensus of the vast majority of scientists. To ignore this reality in pursuit of wishful thinking is irresponsible.

Then they can start planning for appropriate government help when disaster strikes, and where the money will come from. They can talk, too, about this: Should government be in the business of helping people rebuild vulnerable homes and businesses in flood- and storm-prone coastal areas? Or does it make more sense to return such land to open space and public use? And yes, perhaps they can even have an intelligent discussion about energy policy that doesn't desperately cling to a past dependent on fossil fuels and instead seizes a more sustainable and ultimately more affordable future.

The storm has passed, and so has the election. No more time for games.

<http://bit.ly/TPDqTV>

The Watertown Daily Times on September's attack on the U.S. consulate in Libya.

Congressional inquiries into the attack on the Libyan consulate that claimed four American lives in September call into question claims made by President Obama and the administration about the nature of the assault on the anniversary of 9-11.

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From the beginning, there appeared to be some confusion or miscommunication within the administration about whether the attack was a terrorist plot or a spontaneous demonstration similar to what had been happening in other Muslim countries in response to an online film denigrating Islam. The latter was the administration's position advanced by U.N. Ambassador Susan Rice on television five days after the attack in which Ambassador Chris Stevens and three others died.

President Obama last week angrily denounced attacks on Ambassador Rice by some members of Congress, particularly Sens. John McCain and Lindsey Graham, who said they would try to block her appointment as secretary of state if she were nominated by President Obama.

Retired CIA Director David H. Petraeus told Senate and House intelligence committees in closed-door testimony Friday that he believed almost immediately that the assault on the Benghazi consulate was an organized terrorist attack. According to reports, Mr. Petraeus also told lawmakers about the involvement of militants linked to al-Qaida.

That information was left out of a list of "talking points" prepared by the administration and apparently used by Ambassador Rice. It is not clear who may have altered the talking points. The decision may have been, as some suggest, politically motivated during the presidential campaign, or as others say, to protect anonymous intelligence sources.

Administration officials have said the conflicting comments about the attacks were based on information available at the time. But it remains unclear what the administration knew and when in determining whether it responded appropriately in a timely manner to the attacks and whether there was adequate security at the consulate.

Some details may remain classified, but the congressional investigations should answer the questions.

<http://bit.ly/10t66bv>

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EPA & Hydraulic Fracturing - Nov. 21 to 26

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<http://bit.ly/10t66bv>

EPA & Hydraulic Fracturing - Nov. 21 to 26

A sampling of editorials from around New York Post-Standard - Online

11/21/2012

ALBANY, N.Y. (AP) — The New York Post on Gov. Andrew Cuomo's latest comments on hydraulic fracturing.

The fix is in; the frack may be out.

Gov. Cuomo confirmed yesterday what nearly everybody suspected: With a three-person panel of health experts named just last week, the state will now miss the Nov. 29 deadline for the Department of Environmental Conservation to issue regulations for the natural-gas extraction process called hydrofracturing, i.e. fracking.

"I don't see how they are going to make a deadline by next week and do it properly," Cuomo told Post state columnist Fredric U. Dicker's radio show.

Ah, as the feet drag.

Cuomo has been talking a responsible fracking game for years now, but this delay could invite another public comment period — translating into further delay, possibly leading to the state's four-year-plus moratorium on fracking never being lifted.

Perhaps that's what the governor wants?

Cuomo sure sounded yesterday like he was now buying into much of the anti-fracking movement's rhetoric: "People don't want to be poisoned," he said, adding, "There's a fear of poisoning."

Seriously? Even the enviro-extremists at the U.S. EPA reject the idea that fracking is unsafe.

He's even dismissing fracking's economic benefits for the economically depressed Upstate region: "There's a great number of people who say jobs aren't going to happen either," asserted the governor.

Pennsylvania's fracking-generated jobs explosion undercuts that argument.

Actually, Cuomo's stalling speaks for itself — and his actual comments amount to prospective rationalizations.

Maybe that's why he also expressed full confidence in a special health-impact study panel that he introduced into the process last week.

Talk about stacked against fracking!

In a Monday letter to Health Commissioner Nirav Shah, who selected the health-review panel, Lee Fuller, executive director of Energy in Depth, notes the public history of the three panelists:

—Lynn Goldman of George Washington University has warned of "troubling health risks in communities near fracking operations . . . toxic chemicals in the water, polluted air and even seismic activity."

—UCLA's Richard Jackson alleges "serious worker exposures . . . will likely cause silicosis and other lethal diseases."

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—John Adgate of the Colorado School of Public Health helped conduct an error-filled study on fracking ultimately dismissed by the Colorado Department of Public Health and Environment.

Sure doesn't exactly sound like an "objective" panel.

So, is the fix in?

Inaction can speak louder than words, too.

<http://bit.ly/US7rnl>

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Science should govern fracking
Westfield Republican - Online

11/21/2012

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Science should govern fracking

November 21, 2012

Westfield Republican / Mayville Sentinel News

Americans have been drilling wells for oil and gas for more than a century and a half. Hydraulic fracturing - or fracking - has been in use to augment well production for decades.

Now, the Environmental Protection Agency has launched a comprehensive study of fracking. Recently, EPA official George Paulson said a progress report on the study should be released by the end of this year. A final report is due in 2014, he added.

Good. The EPA's progress report should give scientists, the gas and oil industry and those worried about fracking a chance to check the agency's methodology. EPA officials, sometimes accused of bowing to the demands of radical environmentalists rather than basing policy on science, should welcome the oversight.

There indeed are some valid concerns about fracking, primarily involving well casings used to keep chemicals out of groundwater. The EPA study should provide solid, science-based guidance that will safeguard the environment.

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Status quo may be left in place for handling coal ash
Crain's Cleveland Business - Online

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Tuesday, November 20, 2012

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ENERGY BLOG -- SCOTT SUTTELL

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Blog entry: November 20, 2012, 9:00 am | Author: SCOTT SUTTELL

The coal sector hasn't been on great terms with the Obama administration, but Forbes.com reports that the White House "may acquiesce to the industry's concern over how coal ash would be regulated."

"While its environmental backers won't be happy, the president and the Environmental Protection Agency will probably opt to continue regulating that coal combustion byproduct as a solid waste, as opposed to a hazardous waste," according to the website.

The difference, Forbes.com reports, "is that solid wastes are allowed to be recycled and used in such things as cement and dry wall. A hazardous waste ruling would stigmatize that coal ash and would essentially dry up those secondary markets, which would also increase the amount of refuse that must be dispensed."

Forbes.com notes that Akron-based FirstEnergy Corp. last August closed a coal ash disposal site in Pennsylvania as its neighbors there had long complained that its presence created unhealthy conditions. It had been the nation's largest such site, covering 1,700 acres.

EPA "is feeling pressure from both industry and environmentalists," according to the website. "But the most politically feasible path is for the agency to finalize a rule that permits coal ash to keep its solid waste status while also requiring new disposal methods - a move that would be litigated by opponents, delaying its implementation."

For instance, the website says, coal ash now is discarded as a liquid that goes into large surface impoundments or as a solid that is placed into landfills. "EPA would like to see all such byproducts converted from 'wet ash' to 'dry ash' and buried in secured liners," Forbes.com reports.

Here to stay

The public seems to be coming around on fracking.

USA Today reports that political obstacles to oil and gas production "are starting to fall away at the state and local levels as voters, elected officials and courts jump on the energy boom bandwagon."

Voters, the newspaper reports, "are rewarding local politicians who support production. Ballot measures are distributing potential tax windfalls broadly. And most state legislatures are focused on managing the economic and environmental consequences of hydraulic fracturing, or fracking, so the drilling boom can speed up rather than slow down."

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Ted Boettner, executive director of the liberal West Virginia Center on Budget and Policy, tells the newspaper, "Fracking is happening and it's not going to stop, so we have to take the high road of good regulation and taxes so communities are better off, not worse off, after it's done."

Kate Sinding, a lawyer for the Natural Resources Defense Council, says loopholes in federal law make it hard to stop fracking.

"A lot of traditional litigation tools are not available," she tells USA Today.

The ties that binds

Bloomberg reports that the State University of New York at Buffalo is shuttering a research institute opened earlier this year to study natural gas fracking "after potential conflicts of interest raised what the college's president called a 'cloud of uncertainty' over its work."

The Shale Resources and Society Institute is closed effective immediately, SUNY Buffalo president Satish Tripathi announced. A Buffalo nonprofit, the Public Accountability Initiative, said the institute's only report, issued last April, contained errors and didn't acknowledge "extensive ties" by its authors to the gas industry.

Bloomberg says the move "follows a decision last month by a gas industry group to cancel a Pennsylvania State University study of fracking after some faculty members balked at the project that had drawn criticism for being slanted toward industry."

Drilling companies, amid criticism that producing gas by fracking damages the environment, "are funding university research that at times reaches conclusions that counter the concerns of critics," Bloomberg notes.

Losing interest?

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Gas drilling presents Obama with historic choices | Star-Gazette | stargazette.com
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PITTSBURGH - Energy companies, environmental groups, and even Hollywood stars are watching to see what decisions President Barack Obama makes about regulating or promoting natural gas drilling.

The stakes are huge. Business leaders don't want government regulations to slow the flow of hundreds of billions of dollars of clean, cheap domestic energy over the next few decades. Environmental groups see that same tide as a potential threat, not just to air and water, but to renewable energy. And on a strategic level, diplomats envision a future when natural gas helps make the U.S. less beholden to imports.

Some say the unexpected drilling boom presents historic options and risks for the Obama administration.

It's a tough choice. The president is in a real bind, said Charles Ebinger, director of the energy security initiative at the Brookings Institution, a Washington, D.C., nonprofit. I think the question is what does he want his legacy to be?

Ebinger said that if Obama fully embraced the boom in gas drilling the nation could see incredible job gains that could lead to a re-industrialization of America. Possibilities like that are tempting to any president, and perhaps even more so in the current economy.

But really embracing this stuff is going to bring him squarely in conflict with some of his environmental supporters. It's not without some possible peril, particularly if he gets to be seen too cozy with the oil and gas folks, Ebinger said.

Hydraulic fracturing, or fracking, has made it possible to tap into deep reserves of oil and gas but has also raised concerns about pollution. Large volumes of water, along with sand and hazardous chemicals, are injected underground to break rock apart and free the oil and gas.

Environmental groups and some scientists say there hasn't been enough research on water and air pollution issues. The industry and many federal and state officials say the practice is safe when done properly, and that many rules on air pollution and disclosure of the chemicals used in fracking are being strengthened.

(Page 2 of 3)

The Sierra Club is already trying to slow the gas rush, which began in Texas and has expanded to Pennsylvania, Colorado and other states. It's started a nationwide Beyond Natural Gas campaign to push for more regulation on an

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industry it describes as Dirty, Dangerous and Run Amok.

We need to avoid replacing one set of problems with a new but very different set of problems, said Michael Brune, the Sierra Club's executive director, referring to coal and natural gas. Investing in green energy makes more economic and environmental sense, he said.

The Sierra Club knows natural gas will be a part of the nation's energy future. How much a part is a big fight right now, Brune said.

Such arguments have resonated with many environmental groups, and with actors and musicians who are lending their star power to anti-drilling efforts.

The Hollywood film Promised Land is scheduled for release in December, starring Matt Damon, with a story line about drilling from best-selling novelist Dave Eggers. But even before its release, critics pounced on the fact that some financing for the project came from a company in the United Arab Emirates — a country that stands to lose money if the U.S. gets more of its energy needs at home.

Brune agreed that you have to acknowledge that there are benefits to home-grown energy.

Critics say many states haven't been tough enough on the industry, which has objected to the idea of national drilling regulations. Some state officials oppose such proposals, too.

Yes, we are concerned, said Patrick Henderson, energy executive for Pa. Gov. Tom Corbett. Upwards of 10 federal agencies are seeking to put their proverbial nose under the tent with regard to oil and gas development. He added that federal intrusion is a surefire way to impede job growth. We'll be vigilant of proposed federal rulemakings.

The U.S. Environmental Protection Agency is conducting one major national review of drilling and potential drinking water impacts, but it won't be finished until 2014.

(Page 3 of 3)

Jack Gerard, president of the American Petroleum Institute, which lobbies for the industry in Washington, is hoping Obama's campaign rhetoric doesn't change.

He has evolved on the oil and the gas issue, and today, he gives it a full-throated endorsement in terms of the need to produce it to create jobs, get our economy back on track, Gerard said in a postelection conference call.

Most experts agree that Obama faces four big choices about the gas boom: whether to back nationwide EPA rules; whether to keep pressuring coal-fired power plants to reduce emissions (which benefits gas as an alternative fuel); whether to allow large-scale exports of liquefied natural gas; and whether to support a national push to use compressed gas in commercial vehicles.

One expert in Texas predicted that Obama won't go to extremes.

I don't think the administration will do anything to halt development, said Kenneth Medlock III, a professor at Rice University's Center for Energy Studies in Houston, adding that there will be some attempts to move regulations into federal hands.

Medlock expects Obama to keep the pressure on the coal industry, but go slowly on the natural gas export issue. The industry says exports have the potential to be highly profitable, but some members of Congress fear exports will just drive

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up domestic prices, depriving consumers and other industries of the benefits of cheap natural gas.

Others see an opportunity for the president to stake out a middle ground.

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EPA & Hydraulic Fracturing - Nov. 21 to 26

Gas drilling presents Obama with historic choices
Erie Times-News - Online

11/21/2012

Updated: November 17, 2012 9:57 PM EST

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By KEVIN BEGOS

Associated Press

Energy companies, environmental groups, and even Hollywood stars are watching to see what decisions President Barack Obama makes about regulating or promoting natural gas drilling.

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Ebinger said that if Obama fully embraced the boom in gas drilling the nation could see "incredible" job gains that could lead to "a re-industrialization of America." Possibilities like that are tempting to any president, and perhaps even more so in the current economy.

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Environmental groups and some scientists say there hasn't been enough research on water and air pollution issues. The industry and many federal and state officials say the practice is safe when done properly, and that many rules on air pollution and disclosure of the chemicals used in fracking are being strengthened.

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Ohio renews injection-well permitting
Press & Sun-Bulletin - Online

11/21/2012

Ohio renews injection-well permitting

4:56 PM,

Nov 13, 2012

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COLUMBUS, Ohio Ohio began issuing its first new permits Tuesday for deep injection of chemically-laced wastewater from oil and gas drilling since a New Year's Eve quake in Youngstown prompted an unofficial statewide moratorium.

Rick Simmers, head of the state's Division of Oil and Gas Resources, said the first four new permits went out Tuesday to sites in Athens, Portage and Washington counties. He said another 28 sites will be permitted in small batches of five or under in coming months.

We never had an official moratorium on issuing the permits, but we've asked the companies to work cooperatively with us as we upgrade our statutes and rules to make them even more stringent, and the companies have, Simmer said in an interview with The Associated Press.

He said state natural resources officials now believe new regulations include ample safeguards including the ability to order or conduct seismic testing before, during and after drilling to protect against future quakes.

Millions of gallons of wastewater from the drilling technique hydraulic fracturing, or fracking, are injected deep into the earth at such wells. The practice has been ridiculed and protested by environmental groups, and defended by well operators as safe and responsible.

Gov. John Kasich imposed a moratorium within a seven-mile radius of a Youngstown deep-injection site after a series of a dozen quakes that included a 4.0 magnitude tremor later linked to activity there. Simmers said Tuesday would mark an end to formal restrictions in the area, but that the offending well and those in the vicinity have no foreseeable plans to operate.

D&L Energy in Youngstown, the well's operator in northeast Ohio, sought state permission in February to re-open the shuttered well to conduct independent research to prove the well didn't cause the quakes. But Simmers said the company hasn't yet presented adequate information needed to be re-opened.

Kasich also issued an executive order this summer giving Simmers authority to order preliminary tests at proposed well sites, to prevent drilling where tests fail, and to restrict injection pressure. The state also can order installation of automatic shut-off valves and monitor for leakage.

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Simmers said the EPA turned well oversight over to Ohio years ago because the state's regulations surpass those of the federal government.

The first round of new wells permitted Tuesday included one in Athens County's Troy Township, one in Portage County's Deerfield Township and two in Washington County's Newport Township. One of the Washington County wells was previously operated as an oil and gas production well.

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EPA & Hydraulic Fracturing - Nov. 21 to 26

**Gas drilling presents Obama with historic choices
Imperial Valley Press - Online**

11/21/2012

Associated Press Petoskey News-Review

9:51 a.m. PST, November 19, 2012

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Gas Drilling Presents Obama with Historic Choices Construction Equipment Guide-Midwest Edition - Online

11/21/2012

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By: KEVIN BEGOS - Associated Press

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Construction Equipment Guide

EPA & Hydraulic Fracturing - Nov. 21 to 26

**PENNSYLVANIA: Enviros vexed by what's missing in water contamination reports
(EnergyWire, 11/20/2012)
Land Letter**

11/21/2012

Pennsylvania's environmental protection chief is defending his agency's controversial system for testing water wells near Marcellus Shale operations by saying other states work the same way. But regulators in those states say that's not true.

The flap began in the Keystone State, where it recently came to light that the state Department of Environmental Protection routinely withholds water quality data it deems irrelevant to oil and gas contamination. Critics are pressuring regulators to overhaul that practice because they say the untold contaminants could make people sick.

In the two weeks since a state legislator publicized the issue by calling for an investigation, DEP officials have repeatedly defended their process as standard operating procedure that has simply been "misapprehended" by drilling critics.

The contention boils down to this: When the state checks water wells that homeowners suspect might be tainted by drilling operations in the Marcellus Shale, samples are sent to an agency lab that uses a U.S. EPA testing method to screen for dozens of metals. DEP has determined that eight of those are strong indicators of oil and gas contamination, so it instructs the lab to return results on only those eight metals. Those are the results given to homeowners.

Protocol or not, environmentalists don't like it. The unreported metals include, for example, titanium, aluminum, silicon, lithium and molybdenum. DEP has said there's no way those metals, without the presence of the eight target metals, would indicate oil and gas contamination. But Nadia Steinzor, a coordinator for Earthworks' Oil and Gas Accountability Project, said it's not the role of a regulatory agency to decide which metals are of public concern.

"That is a tremendous lack of transparency on the part of a public agency," she said. "It's not really their call to say you're not going to be affected by X metal."

Earthworks signed a letter with other environmental groups last week urging Gov. Tom Corbett (R) to make changes to DEP's system and immediately release comprehensive results of previous tests.

The metals that are reported by the labs are barium, calcium, iron, potassium, magnesium, manganese, sodium and strontium, which are common contamination markers used by agencies in other states and recommended by the Marcellus Shale Coalition for water quality testing around oil and gas operations.

Do other states filter?

DEP Secretary Michael Krancer said in a letter defending his agency's practices that the parameters used in Pennsylvania are "substantially similar" to those used in New York, Ohio, Colorado and Wyoming.

But regulators in at least three of those states said they do not withhold any data from homeowners.

In an email, staff from Colorado's Department of Natural Resources said technicians in third-party labs there use the same testing technique -- EPA Method 200.7 -- that Pennsylvania uses to test for metals like calcium, arsenic, boron and more.

But unlike Pennsylvania, the labs and the agency do not filter the data. The environmental staff provides a summary table to concerned residents, along with a copy of the entire lab package. The data are also publicly available online and

EPA & Hydraulic Fracturing - Nov. 21 to 26

include metals like aluminum and lithium, which go unreported in Pennsylvania.

Ohio Department of Natural Resources officials said they, too, use Method 200.7 and report all parameters tested by the lab. They screen using an oil and gas analysis suite that includes the eight markers used in Pennsylvania, plus a few other contaminants, including aluminum and bromide -- unreported in Pennsylvania. Residents who file water complaints receive water investigation reports along with copies of the unfiltered lab results.

Officials from New York's Department of Environmental Conservation, which also uses that EPA testing method, said any testing would have to be released "in its entirety to the landowner."

A review of the state's draft environmental impact statement for fracking, which is currently on hold there, shows the state plans to test for contamination with lab parameters that focus on a smaller group of metals, including barium, chloride, iron, manganese and sodium, along with other materials.

Pennsylvania DEP spokesman Kevin Sunday wrote in an email that Krancer's assertion that Pennsylvania's practices are similar to others is based on a "good working relationship" among states.

He clarified that the secretary's statements are not in defense of "filtered" data because the agency maintains it has not filtered anything; rather, it has zeroed in on target metals for further analysis. The results for the whole suite of metals are preliminary, he said, and final results are pursued for those contamination markers only.

Are all results final?

Indeed, hydrogeology researcher David Yoxtheimer says the results of metals testing that go unreported in Pennsylvania are not as readily available as environmentalists think.

Although the lab uses the EPA method that screens for 24 or more metals, technicians have to take an extra step to get final results on the eight markers. The initial analysis produces a chart of peaks and valleys that indicate levels of the various metals. That must be analyzed to identify the levels of target metals, which are then compared with a reference standard to ensure the results are accurate.

In other words, the eight target metals are subject to further analysis -- and cost -- to ensure quality. So the lab may have preliminary results for all the metals but final results for only the eight. Krancer said during a conference last week that he has no intention of releasing data points that have not undergone the quality-control analysis, especially because he said they do not signal oil and gas contamination.

"You're going to use this method and in theory you could report all 24," said Yoxtheimer, who is on staff at Pennsylvania State University's Marcellus Center for Outreach and Research. "But we're really not interested in two-thirds of them because they're not related to drilling impacts, at least commonly."

That shadow of condition, "at least commonly," is enough to keep many environmentalists on edge.

"[T]he reporting procedure reflects an anachronistic approach to water testing that is gravely insufficient in light of the new and specific impacts of high-volume drilling and hydraulic fracturing in deep shale formation," the groups wrote in their letter to the governor last week.

Because industry technology and practices evolve to enhance production, they wrote, additional metals could enter water supplies, and DEP's focus on the eight markers could result in other problematic materials being overlooked. Plus, they say, there is scant research on the effect of exposure to even low doses of multiple contaminants at the same time -- making full disclosure critical for understanding those unknowns.

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"In a time in which drilling practices are changing so rapidly, it is something to look at and revisit," Steinzor said. "If nothing else, if we can succeed in getting states that do this to take another look ... that'll be a step in the right direction."

Spats vs. substance

For now, the battle is relegated to an exchange of heated remarks in letters, blog posts and statements made to local newspapers. Rep. Jesse White, the state legislator who sparked the dust-up by calling for an investigation into DEP lab procedures, has been seared by industry representatives who say he's just bitter about a falling-out he had with driller Range Resources Corp.

Range released a series of 2010 emails between White and company officials that illustrate a once-friendly relationship that turned sour when Range hosted a fundraiser for the legislator that came up short on cash. White has dismissed the emails as an attempt by the industry to discredit him as he pushes for increased accountability among Marcellus operators.

Environmentalists who have taken up the cause have sidestepped the spat and instead focused on the lab procedures in question. But Krancer and other state officials have brushed off the groups' requests as a misinformed product of wild accusations from White.

"The letter was just echoing unsubstantiated and outrageous allegations," said Corbett administration spokesman Eric Shirk, adding that although DEP is always reviewing and improving policies, it has no plans to change the lab protocol.

Former DEP Secretary John Hanger offered his take two weeks ago, telling EnergyWire that he believed the agency's policies were not an attempt to shroud any data, but that they should be changed immediately in order to give residents all available information (EnergyWire , Nov. 5). Even if the other metals are unrelated to drilling, he said, residents should know what's there.

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EPA & Hydraulic Fracturing - Nov. 21 to 26

A sampling of editorials from around New York Associated Press (AP)

11/21/2012

ALBANY, N.Y._The New York Post on Gov. Andrew Cuomo's latest comments on hydraulic fracturing.

Nov. 21.

The fix is in; the frack may be out.

Gov. Cuomo confirmed yesterday what nearly everybody suspected: With a three-person panel of health experts named just last week, the state will now miss the Nov. 29 deadline for the Department of Environmental Conservation to issue regulations for the natural-gas extraction process called hydrofracturing, i.e. fracking.

"I don't see how they are going to make a deadline by next week and do it properly," Cuomo told Post state columnist Fredric U. Dicker's radio show.

Ah, as the feet drag.

Cuomo has been talking a responsible fracking game for years now, but this delay could invite another public comment period _ translating into further delay, possibly leading to the state's four-year-plus moratorium on fracking never being lifted.

Perhaps that's what the governor wants?

Cuomo sure sounded yesterday like he was now buying into much of the anti-fracking movement's rhetoric: "People don't want to be poisoned," he said, adding, "There's a fear of poisoning."

Seriously? Even the enviro-extremists at the U.S. EPA reject the idea that fracking is unsafe.

He's even dismissing fracking's economic benefits for the economically depressed Upstate region: "There's a great number of people who say jobs aren't going to happen either," asserted the governor.

Pennsylvania's fracking-generated jobs explosion undercuts that argument.

Actually, Cuomo's stalling speaks for itself _ and his actual comments amount to prospective rationalizations.

Maybe that's why he also expressed full confidence in a special health-impact study panel that he introduced into the process last week.

Talk about stacked against fracking!

In a Monday letter to Health Commissioner Nirav Shah, who selected the health-review panel, Lee Fuller, executive director of Energy in Depth, notes the public history of the three panelists:

_Lynn Goldman of George Washington University has warned of "troubling health risks in communities near fracking operations . . . toxic chemicals in the water, polluted air and even seismic activity."

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_UCLA's Richard Jackson alleges "serious worker exposures . . . will likely cause silicosis and other lethal diseases."

_John Adgate of the Colorado School of Public Health helped conduct an error-filled study on fracking ultimately dismissed by the Colorado Department of Public Health and Environment.

Sure doesn't exactly sound like an "objective" panel.

So, is the fix in?

Inaction can speak louder than words, too.

—

<http://bit.ly/US7rnl>

The Buffalo News on the Thruway Authority's proposal to raise tolls for trucks.

Nov. 20.

You know things are bad when the vice chairwoman blasts the New York State Thruway Authority board, and has good reason to do so.

Donna Luh is outraged at the blatant lack of transparency surrounding the authority's ill-forged idea of a 45 percent toll hike for trucks. Tempers are rising after the authority postponed two meetings on the toll hike at the last minute. Luh blew her fuse the other day when word of postponing a board meeting wasn't sent out until after 9 p.m. the night before. The words, "Are you kidding?" crept into her mind, she told The News.

That's what the public wants to know when it comes to this preposterous proposal. A 45 percent toll hike _ when tolls were supposed to have been eliminated in 1996, when the highway's original construction debt was paid _ is ridiculous. And so is the board meeting shuffle going on that has Luh so upset.

Luh says she's even beginning to think that the 45 percent figure isn't what this state needs. She's not alone.

From truckers to Unshackle Upstate, everyone wants to know what Thruway Authority officials are thinking, other than using the threat of a sky-high increase to ease the eventual blow of, say, a 35 percent increase. Who knows? The Cuomo administration hopes to raise \$90 million in additional revenue for the Thruway Authority. One theory is that it can then skip over to the bond market to help finance a \$5 billion Thruway bridge project over the Hudson River between Westchester and Rockland counties.

Voila! Or, not.

The New York State Motor Truck Association insists that a 45 percent toll hike would cripple some firms and most assuredly result in trucking companies and their clients passing along the cost of the toll increase to consumers. Or some truckers could decide not to take the Thruway, cutting into the anticipated revenue stream.

There are ways around this mess, involving some belt-tightening and getting rid of onerous expenses such as the maintenance costs of a non-Thruway highway in Westchester County and perhaps the biggest farce, the state's money-losing canal system.

The bad idea of using Thruway tolls to pay for the canal was most recently pointed out by State Sen. Patrick M. Gallivan,

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R-Elma. The Thruway and canal system were joined 20 years ago during the administration of the governor's father, Mario M. Cuomo, as part of a scheme to help balance the state's general fund.

Gallivan has noted that Thruway traffic is down 10 percent in the past seven years while the authority's expenses have risen 20 percent.

State Comptroller Thomas P. DiNapoli gets extra credit for being at the forefront of the opposition to the toll hike. He is calling on the authority to look for savings by improving its management of the system.

That work involves eliminating vacant positions, reducing overtime and marketing unused property for sale or lease. DiNapoli also cites a recent analysis by auditors in his department that showed more could be done to collect millions of dollars in E-ZPass tolls and fees that go unpaid.

It's time for the Thruway Authority to put the brakes on a bad idea.

<http://bit.ly/QuAUyI>

The New York Times on the U.S. Supreme Court ruling on Michigan's affirmative action policies.

Nov. 20

In a persuasive ruling last week, a majority of the United States Court of Appeals for the Sixth Circuit struck down Michigan's ban on race-conscious affirmative action policies. The ban violated the United States Constitution's equal protection clause by placing an unfair burden on racial minorities seeking to change those policies.

The ban, known as Proposal 2 and approved in a state referendum in 2006, amended the State Constitution to "prohibit all sex- and race-based preferences in public education, public employment, and public contracting."

The court's 8-to-7 decision focused not on admissions policies per se but on the fact that the process by which the ban was approved _ the referendum leading to a constitutional amendment _ would inevitably require people who wished to reverse it "to surmount more formidable obstacles than those faced by other groups to achieve their political objectives."

Writing for the majority, Judge R. Guy Cole Jr. argued that a black student seeking a race-conscious admissions policy would have to undertake the "long, expensive and arduous process" of amending the state constitution all over again. But students seeking to change other admissions policies _ for example, to favor applicants whose relatives attended the school _ could resort to a variety of readily available means, including lobbying the admissions committee or the university's leaders.

"The existence of such a comparative structural burden," Judge Cole wrote, "undermines the equal protection clause's guarantee that all citizens ought to have equal access to the tools of political change."

The result of the court's sound ruling is a level playing field, as the Constitution demands. But the issue may not be settled. The Ninth Circuit has upheld a California affirmative-action ban that was a model for Michigan's. With a conflict in the circuits on this issue, the Supreme Court may be persuaded it is ripe for review.

<http://nyti.ms/10ciDAV>

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The Times Union of Albany on government's handling of post-Superstorm Sandy recovery efforts.

Nov. 14.

The devastation that remains from Superstorm Sandy can't be overstated. Two weeks after Sandy slammed into the Northeast, more than 50,000 homes and businesses remain without power. Early estimates put the damage in three states at \$50 billion.

The magnitude of the crisis demands that Gov. Andrew Cuomo, his counterparts in New Jersey and Connecticut, and Congress focus on the task at hand _ relieving the very real human suffering and doing all they can to help the region recover. Tragedy would be compounded if they were to turn the issue of federal aid into an occasion for haggling or ideological posturing.

There is ample precedent for us to worry about just that.

In 2001, following the 9/11 attack on the World Trade Center, then-Gov. George Pataki made an eye-popping \$54 billion request for federal aid. Mr. Pataki's request went far beyond what New York needed for that emergency. The governor larded on some \$20 billion for tax incentives to lure businesses to the state and pay for subways, light rail, roads and bridges statewide. A high-speed passenger rail service between Schenectady and Manhattan was on his list.

Even with the extraordinary sympathy for all New York City had endured, even with a fellow Republican in the White House, Washington balked at Mr. Pataki's opportunism, however well-intentioned it might have been for the benefit of his state.

Listen to how one observer put it:

"When he put (out) a plan for \$54 billion . and he had projects that were in no way connected to the recovery, they said, 'Here comes a local government that is looking to seize this situation for their own financial benefit,' and they recoiled."

That observer was a former U.S. secretary of Housing and Urban Development, Andrew Cuomo.

Now Mr. Cuomo is governor, with a bold request of his own: \$30 billion to cover the cost of Sandy. Not just 75 percent of the cost, as federal aid normally works. He wants it all covered.

If he's to make that case, the governor must remember his own political wisdom in 2001: no games. This is no time to slip pet projects onto the list, or tack on a little extra to make his 2013 budget easier. Washington has problems of its own.

As for Congress, this is not the time to get bogged down in another protracted debate over big government or the nation's debt, not when tens of thousands of Americans are suffering, many of them residents of a state already facing a deficit next year that is hardly in a position to handle this disaster on its own. Trying to score political points in such a crisis ought to be below even Washington's low bar.

If lawmakers really want to do something meaningful, they can start talking about how the nation will cope with what are expected to be more of these kinds of emergencies in the future. That starts, of course, with Republicans in particular acknowledging that a warming world, and human activity's contribution to it, is not some liberal myth, but the consensus of the vast majority of scientists. To ignore this reality in pursuit of wishful thinking is irresponsible.

Then they can start planning for appropriate government help when disaster strikes, and where the money will come from. They can talk, too, about this: Should government be in the business of helping people rebuild vulnerable homes

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and businesses in flood- and storm-prone coastal areas? Or does it make more sense to return such land to open space and public use? And yes, perhaps they can even have an intelligent discussion about energy policy that doesn't desperately cling to a past dependent on fossil fuels and instead seizes a more sustainable and ultimately more affordable future.

The storm has passed, and so has the election. No more time for games.

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<http://bit.ly/TPDqTV>

The Watertown Daily Times on September's attack on the U.S. consulate in Libya.

Nov. 20.

Congressional inquiries into the attack on the Libyan consulate that claimed four American lives in September call into question claims made by President Obama and the administration about the nature of the assault on the anniversary of 9-11.

From the beginning, there appeared to be some confusion or miscommunication within the administration about whether the attack was a terrorist plot or a spontaneous demonstration similar to what had been happening in other Muslim countries in response to an online film denigrating Islam. The latter was the administration's position advanced by U.N. Ambassador Susan Rice on television five days after the attack in which Ambassador Chris Stevens and three others died.

President Obama last week angrily denounced attacks on Ambassador Rice by some members of Congress, particularly Sens. John McCain and Lindsey Graham, who said they would try to block her appointment as secretary of state if she were nominated by President Obama.

Retired CIA Director David H. Petraeus told Senate and House intelligence committees in closed-door testimony Friday that he believed almost immediately that the assault on the Benghazi consulate was an organized terrorist attack. According to reports, Mr. Petraeus also told lawmakers about the involvement of militants linked to al-Qaida.

That information was left out of a list of "talking points" prepared by the administration and apparently used by Ambassador Rice. It is not clear who may have altered the talking points. The decision may have been, as some suggest, politically motivated during the presidential campaign, or as others say, to protect anonymous intelligence sources.

Administration officials have said the conflicting comments about the attacks were based on information available at the time. But it remains unclear what the administration knew and when in determining whether it responded appropriately in a timely manner to the attacks and whether there was adequate security at the consulate.

Some details may remain classified, but the congressional investigations should answer the questions.

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<http://bit.ly/10t66bv>

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